United Nations A/HRC/WG.6/28/UKR/1

General Assembly

Distr.: General
31 August 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-eighth session
6–17 November 2017

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Ukraine

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GE.17-15166(E)

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I. Methodology used and preparation process

1. This report has been prepared for the purpose of the third Universal Periodic Review (UPR) of human rights in Ukraine. Under the General Guidelines laid down by the HRC in its decision 17/119, it focuses on human rights developments in Ukraine since the last review and on the progress of the implementation of the recommendations received during the second UPR in 2012.

2. The Report was prepared by the Ministry of Justice of Ukraine (MoJ) with the involvement of all relevant ministries, agencies and institutions in Ukraine. The Draft Report was published on the website of the MoJ on the page devoted to the UPR. In addition to the inter-ministerial consultations, extensive consultations with international and national non-governmental organizations were held in the process of drafting the Report. Recommendations and suggestions received were carefully assessed and discussed before compiling the final version of the Report.

II. Key achievements since the previous review

A. Legislative improvements and institutional changes

3. Amendments to the Constitution of Ukraine adopted in June 2016 initiated a comprehensive judicial reform process. This simplified the court system, removed political influence over the appointment and dismissal of judges and introduced a transparent procedure for the selection of judges with the participation of civil society.

4. The Law on Principles of Prevention and Combating Discrimination in Ukraine was significantly amended in 2014 to bring it in line with international standards. Concepts of direct and indirect discrimination were clearly defined. The Ukrainian Parliament Commissioner for Human Rights (Ombudsman) was given additional powers of control in the field of protection against discrimination.

5. The National Preventive Mechanism to prevent torture and ill-treatment (NPM) was established in 2012 and functions under the auspices of the Ombudsman. Monitors of the NPM continuously visit places of detention. Recently, journalists started participating in the monitoring visits.

6. The Ministry of Temporarily Occupied Territories and IDPs (MTOT) was established in 2016. MTOT is coordinating the Government's policy towards reintegration and peace-building in the TOT and Donbas, protection of the IDPs and implementation of IHL in Ukraine.

7. The President appointed the Commissioner for the Rights of Persons with Disabilities, who monitors the situation and submits proposals to the President concerning the special needs of people with disabilities. His role was paramount in the adoption of the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities for the period up to 2020.

8. In 2017, the Government established the Office of the Commissioner for Gender Equality, who will ensure that men and women in Ukraine have equal rights and opportunities.

9. The President appointed the Commissioner for the Crimean Tatar Issues. He was instrumental in preparing a draft law recognizing the Crimean Tatars as an indigenous people of Ukraine and protecting their ethnic, cultural, linguistic and religious identity. He

is currently involved in the work of the Constitutional Commission working on the new constitutional status of Crimea.

10. The National Police was re-established in 2015 based on the new principles of accountability, transparency, professionalism and respect for human rights.

11. Crimes committed by public officials, judges and law enforcement officers will be investigated by the State Bureau of Investigation of Ukraine (SBI) which is currently in the process of being established.

12. In 2015, the National Anti Corruption Bureau (NABU) and the Specialised Anti-Corruption Prosecutor's Office were established. They concentrate on the investigation and prosecution of high-level corruption in the Government, Parliament and the courts.

13. The National Agency for the Prevention of Corruption (NAPC) was established in 2016. It oversees the e-register of declarations of public officials. More than one million public officials submitted their asset and income declarations online, which are publicly accessible on a web-site. Failure to declare or submitting false declarations may result in dismissal and criminal investigations.

B. Human rights policy

14. Ukraine remains committed to the 2030 Agenda for Sustainable Development and the SDGs. In 2016 the National Baseline Report was approved, which adapted the 17 global SDGs to the national development context. It is recommended to all State authorities to take into account the Report during elaboration of strategic and programme documents. The National Report sets concrete benchmarks for each of the SDGs to be achieved by 2030.

15. In 2015, the President of Ukraine approved the National Strategy of Human Rights (NSHR) for the period of 2015–2020. It addresses systemic problems traditionally present in Ukrainian society, as well as new challenges posed by the illegal occupation of Crimea and Russian military aggression against Ukraine in Donbas.

16. With the view to implement the NSHR, the Government approved an Action Plan, which contains clear measures, indicators and deadlines. The preparation of the Action Plan had an inclusive character and was carried out with the involvement of civil society, international organizations, the Ombudsman and international experts in the field of human rights.

17. MoJ reports quarterly on the implementation of the Action Plan and holds annual public hearings in December. All the activities under the Action Plan are made public on the MoJ's website.

C. Ratification of international treaties (97.1–97.15)

18. Since the last review, Ukraine has ratified, inter alia, the following international treaties:

- Convention on the Reduction of Statelessness;
- Convention relating to the Status of Stateless Persons;
- Convention on the International Recovery of Child Support and Other Forms of Family Maintenance;
- Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention);

- International Convention for the Protection of All Persons from Enforced Disappearance;
- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure;
- ILO Convention No. 155;
- ILO Convention No. 117;
- ILO Convention No. 102;
- CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- European Agreement on the Transmission of Applications for Legal Aid;
- Third and Fourth Additional Protocols to the CoE Convention on Extradition.

III. Human rights in the temporarily occupied territories and IDPs

19. On 20 February 2014, Russia launched an illegal operation that led to the occupation of Crimea. Ukrainian legitimate authorities were disbanded and an occupation regime was established. Notwithstanding, the sovereignty and territorial integrity of Ukraine within its internationally recognized borders was confirmed by UN GA Resolution 68/262 on Territorial Integrity of Ukraine on 27 March 2014.

20. In the spring of 2014, Russia started military aggression against Ukraine in the eastern part of the country. The Russian military and Russian-backed terrorists effectively occupied a part of Donetsk and Luhansk regions (Donbas)[1]. As a result, Ukraine lost full and effective control over parts of this region. In this ongoing aggression at least 10,000 people have been killed and more than 23,000 injured.

21. On 17 July 2014, Malaysian Airlines Boeing flight MH17 was shot down over Grabove in Donetsk Region. All 298 people aboard were killed. The Joint Investigation Team found in its preliminary report that MH17 was downed by a BUK missile from the 9M38-series brought in from Russia[2]. It was fired from Pervomaiskyi, near Snizhne, in territory held by the Russian-backed separatists. After having shot down MH17 the missile launcher was taken back to Russia.

22. The United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) has been working in Ukraine since 15 March 2014 at the invitation of the Government. The HRMMU has no access to Crimea and only a limited access to the occupied parts of Donbas. To date, the HRMMU has presented 18 quarterly reports on the human rights situation in Ukraine and two thematic reports: Accountability for killings in Ukraine from January 2014 to May 2016 and Conflict-related Sexual Violence in Ukraine (14 March 2014 – 31 January 2017).

23. On 21 March 2014, following a request by the Government, the OSCE deployed a Special Monitoring Mission (SMM) to Ukraine. The SMM is an unarmed, civilian mission present on all of the territory of Ukraine. The SMM has no access to the occupied Crimea and only a restricted access to the occupied part of Donbas. The SMM observes the implementation of the ceasefire agreement under the Minsk II Protocol and presents daily reports on the security situation, as well as thematic human rights reports.

24. On 19 December 2016, the UN GA adopted Resolution 71/205 on the Situation of Human Rights in the Autonomous Republic of Crimea and the city of Sevastopol

(Ukraine), noting a sharp deterioration of the overall humanitarian situation in the occupied Crimea. The GA condemned the abuses, measures and practices of discrimination against the residents of the temporarily occupied Crimea, by the Russian occupying authorities, including Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups. The GA urged Russia to immediately release the unlawfully detained Ukrainian citizens, to stop impunity, hold those responsible for abuses to account and revoke immediately the decision declaring the Mejlis of the Crimean Tatar people as an extremist organization.

25. Ukraine instituted the first of its five inter-State cases against Russia in the ECtHR concerning events in Crimea on 13 March 2014. Following the request of Ukraine, the ECtHR adopted interim measures, calling upon Russia and Ukraine to refrain from taking any measures, in particular military action, which might bring about violations of the rights of the civilian population enshrined in the ECHR, notably under Articles 2 and 3. Russia failed to adhere to these interim measures and proceeded with the military occupation of Crimea using its regular armed forces, which was post factum confirmed by President Putin[3]. Other cases concern violation of human rights in Donbas, further developments in Crimea, in particular the ban of Mejlis, the single representative body of Crimean Tatars. Currently, these cases are pending before the ECtHR at the admissibility stage.

26. On 16 January 2017, Ukraine filed a case against Russia with the ICJ for committing acts related to the financing of terrorism and racial discrimination in Ukraine in violation of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. On 19 April 2017, the ICJ issued an order on the application of temporary measures. Inter alia, the ICJ ordered Russia to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to maintain its representative institutions including the Mejlis and to ensure the availability of education in Ukrainian language in Crimea. Russia has not shown any progress in the implementation of this order.

27. On 21 May 2015, the Parliament adopted a Statement on Derogation from Certain Obligations under the ICCPR and ECHR. Ukraine informed the UN SG that Russia as an occupying power is fully responsible for the protection of human rights in the occupied Crimea and certain areas of Donbas. Furthermore, Ukraine declared its derogation from certain human rights obligations under the ICCPR and ECHR until the cessation of Russian aggression and restoration of the constitutional order.

28. Ukraine derogated from its obligations under paragraph 3 Art. 2 (right to an effective remedy), Art. 9 (right to liberty and security of person), Art. 12 (right to freedom of movement and free choice of place of residence), Art. 14 (right to fair trial) and Art. 17 (right to protection against arbitrary or unlawful interference with private and family life) of the ICCPR.

29. In order to periodically review the territorial application of the derogation, the Government established a Coordinating Commission. Its mandate includes the review of the necessity and proportionality of the derogation measures and making proposals to the Government on the continuation and scope of the derogation.

30. Ukraine is committed to the observation of IHL on all of its territory. A manual on the implementation of the rules of IHL for the armed forces has recently been updated to better reflect provisions of customary IHL. The MTOT is responsible for organization and coordination work of the Government Commission on implementation of IHL, ensuring that all the law-enforcement agencies consistently follow and observe the rules of IHL. The Ministry of Defense continuously conducts trainings in IHL for military personnel, with the assistance of the ICRC.

31. The security situation in Donbas and near the contact line remains volatile. The ceasefire under the Minsk Agreement is inefficient and civilian casualties persist. Landmines and UXOs (Unexploded Ordnances) around the populated areas and main roads in Donbas continue to account for the death and mutilation of civilians.

32. Russia carries out the systemic practice of illegal persecution, groundless convictions and the transfer of people from the occupied Crimea to Russian territory. Furthermore, HRMMU recorded forcible transfers of Ukrainian detainees to prisons and pre-trial detention facilities in Russia, which constitutes a violation of IHL. As of July 2017, at least 46 Ukrainians are held as political prisoners in Russia.

33. Ukraine is committed to fighting impunity for crimes committed in the TOT and Donbas. The Government prepared a draft law introducing crimes against humanity in the CC. Definitions of other international crimes, including torture, are being brought in line with the international obligations of Ukraine.

34. Military prosecutors are investigating crimes committed in the TOT and Donbas as well as crimes committed by the Ukrainian army and volunteer battalions.

35. Armed groups have committed mass-scale and systematic violations of IHL, which resulted in over 3000 people illegally held in captivity experiencing torture and inhuman treatment. Investigations have identified over 100 places of illegal detention established by armed groups where Ukrainian military officials, journalists and volunteers were held. Currently, public prosecutors have filed charges against 7 terrorists belonging to armed groups for committing violations of the laws of war under Art. 438 of the CC.

36. In 2014–2017, 180 criminal cases against members of the Ukrainian military were investigated, including those committed by Tornado and Aidar detachments. On 7 April 2017, two commanders and 10 officers of the Tornado police detachment were sentenced for committing severe crimes of torture, sexual violence and kidnapping in the period of December 2014 to June 2015. Four officers of the Aidar military detachment were sentenced for committing banditry, robbery and car theft.

37. The search and identification of missing persons is coordinated by the United Center at the Security Service of Ukraine, which includes all of the law-enforcement agencies of Ukraine. A draft Law on Missing Persons is being considered by the Parliament.

38. Approximately 19,200 Ukrainian convicts were held in the territories not under control of Government since 2014. As a result of efforts of the Ombudsman, 373 prisoners have been transferred to the Ukrainian authorities, however this represents only a small part of those willing to be transferred.

39. Ukraine remains committed to its positive obligations to ensure to the fullest extent possible the preservation of human rights of people living in the TOT and Donbas. These obligations include legal and diplomatic measures on reintegration and peace-building process.

Internally Displaced Persons (IDPs)

40. As a result of Russian aggression, Ukraine has faced a humanitarian crisis, which resulted in more than 1.5 million IDPs[4]. In the beginning of the conflict Ukraine lacked experience, means and a legislative framework to deal with the mass influx of people from the TOT and Donbas. Short-term housing and emergency help was provided to people fleeing persecution and war.

41. On 20 October 2014, Ukraine adopted a law regulating the status, rights and social protection of IDPs. In 2015, Ukraine approved the Comprehensive State Programme for

Support, Social Adaptation and Reintegration of IDPs. However, this Programme still needs more funding.

42. Ukraine simplified procedures for obtaining birth, marriage and death certificates, as well as other official documents for people living in the TOT and Donbas. Social services and benefits were modified to accommodate the specific situation of IDPs.

43. However, the payment of social benefits to people residing in the TOT and Donbas remains a major challenge. The Government is constantly working to improve the mechanisms for verification and identification documents to receive social benefits. A draft Law on Amending certain legislative acts concerning the right for pension by specific categories of citizens is currently under consideration in the Parliament. Adoption of this draft law shall allow the payment of pensions to Ukrainian citizens who live in occupied territories.

44. On 1 October 2014, the Government adopted legislation providing for monthly targeted aid to IDPs to cover their expenses on accommodation including housing and utility services[5]. In 2017, the Government started co-financing a programme on affordable housing for IDPs. State-sponsored low-interest loans are available for the purchase of approved real estate for IDPs.

45. In order to facilitate the integration of IDPs in their new places of residence, the Government employment assistance centers provide advice and job placement for IDPs, as well as professional training courses, temporary job placements and career advice[6]. In 2016, the IDPs were included as a specific category entitled to free secondary legal aid.

46. Social Services Centers around the country provide IDPs with psychological assistance, housing, humanitarian aid and support in issuing and reissuing of documents. As of mid-2017, 17,849 internally displaced families, including 17,382 with children, received different kinds of social services as per their assessed needs. According to a recent study, 88% of IDPs have successfully integrated in their new places of residence[7].

47. To facilitate access to Ukrainian secondary and tertiary educational institutions for the people living in the TOT and Donbas, special procedures and quotas have been introduced. Special exam sessions and distance learning programmes have helped them to follow the Ukrainian curriculum and to continue their education at the universities throughout the controlled territory of Ukraine.

48. A draft law for ensuring the full-scale realization of IDPs' electoral rights was developed and is currently at the stage of consideration by parliamentary committees.

49. Ukraine has received major technical and humanitarian assistance from international organizations and individual States to deal with the humanitarian crisis caused by Russian aggression. However, much remains to be done to improve conditions in the TOT and Donbas and the situation of IDPs. Among the most pressing problems are water and electricity supply in Donbas, repair of damaged infrastructure, provision of housing for IDPs and programmes for social and psychological reintegration.

IV. Implementation of recommendations

A. Rule of law

1. Judicial system (97.88–97.93, 97.95, 97.106, 97.109, 97.113, 97.114)

50. In 2015, the Justice Sector Reform Strategy for 2015-2020 was adopted. The Action Plan of the Justice Sector Reform Strategy defines key objectives, activities, expected

outputs and indicators for the implementation of justice sector reform. Its objective is to improve access to justice for Ukrainians by strengthening the independence and expertise of the judiciary, eliminating corruption, and simplifying the judicial system and court procedures.

51. Following the Strategy, in 2016, the Parliament adopted amendments to the Constitution of Ukraine concerning the judiciary and amended the Law on Judiciary and the Status of Judges. These amendments received a positive appraisal by the Venice Commission[8]. These amendments strengthened the independence of judiciary, in particular through the elimination of political influence on the process of establishing courts and determining the number of judges. The court system was simplified to a three-tier structure (first instance, appeal, Supreme Court).

52. The newly-adopted legislation mandates an objective and non-discriminative re-evaluation of judges, with a particular emphasis on an anti-corruption screening of income and assets. Appointments to the new judicial system are made after a transparent and objective selection process administered by an independent commission (HQCJ), established in accordance with the CoE standards for judicial self-governance. Positions in the courts have been opened to lawyers from outside of the judiciary.

53. The constitutional and legislative amendments established the new Supreme Court. The selection of judges of the Supreme Court was at the final stage at the time of finalizing this Report. It was carried out through a transparent process, which consisted of compulsory qualification evaluation, anonymous competence testing and publicly televised interviews. Civil society directly participated in the selection process through the Public Integrity Council, which could issue a negative opinion on candidates. Such a negative opinion had to be overturned by a qualified majority of the members of the HQCJ.

54. Following the introduction of the stringent anti-corruption legislation and public procedure on the evaluation of judges, more than 1,680 judges have voluntarily left their positions. HQCJ published 600 judicial vacancies in the first instance courts open to all qualified candidates. More than 3,500 applications were received, indicating a great interest of the legal community to enter the judicial profession under the new transparent procedure.

55. The enforcement of court decisions has traditionally been at a low level in Ukraine. MoJ led the process for the introduction of a new profession of private enforcement officer and reformed the procedures and compensation regulations for public enforcement officers. These measures should guarantee an improvement in the overall level of enforcement of court decisions.

2. Ratification of the Rome Statute of the ICC (97.1, 97.6–97.10, 97.13–97.15)

56. Amendments to Article 124 of the Constitution of Ukraine allowed for the possibility to ratify the Rome Statute within three years. Ukraine is currently preparing amendments to its CPC to regulate the unimpeded and full cooperation with the ICC.

57. Ukraine made two declarations under Art. 12(3) of the Rome Statute accepting ICC jurisdiction with respect to crimes allegedly committed on its territory for the period of 21 November 2013 to 22 February 2014, and since 21 February 2014 onwards respectively. Declarations cover the whole territory of Ukraine within its internationally recognized borders. The OTP of the ICC opened a preliminary investigation on the situation in Ukraine on 25 April 2014. Ukrainian authorities are cooperating with the OTP and regularly update its representatives on the situation in Ukraine.

3. Execution of the judgments of the ECtHR (97.17, 97.24, 97.45)

58. Ukraine attaches great importance to the jurisprudence of the ECtHR, which formulates and clarifies the European standards in the area of human rights. Currently, Ukraine has the highest number of the pending cases in the ECtHR as of 30 June 2017 (18,700 or 23.3%)[9]. This is partly due to the influx of thousands of new cases resulting from the mass-scale human rights violations by Russian authorities in Crimea and Donbas. However, a significant number of other applications point to systemic problems in Ukraine, which the Government is committed to solving.

59. One of the biggest problems established in ECtHR's judgments is a prolonged non-execution of judgments in national courts, as established in the pilot case Ivanov vs. Ukraine. The Government continues to work with a three-stage strategy to find a long-term solution to this problem, as recommended by the Committee of Ministers of CoE. At the first stage the Government calculated the total amount of outstanding payments adjudicated by the ECtHR. Currently, the MoJ is developing a procedure for the restructuring of the outstanding claims. At the third stage the Government will have to allocate sufficient funds to cover the restructuring programme. Currently, the Government has allocated 500 million UAH for compensations in the 2017 budget.

60. MoJ gives legal opinions on all draft laws concerning their correspondence to the ECHR and ECtHR jurisprudence to prevent possible violations in the future. For instance, draft Law No. 8711 received a negative opinion by the MoJ and was accordingly not adopted (recommendation 97.24).

4. Prosecution authorities (97.89, 97.91, 97.94, 97.95, 97.97)

61. On 14 October 2014 the new Law on the PGO was adopted. This brought Ukraine up to the international standards in terms of the structure and functions of the Prosecutor General's Office[10]. Prosecutors will have three main functions: public prosecution in criminal cases; representing State interests in civil and commercial cases; and supervising investigations by law enforcement bodies. Prosecutors will continue investigating crimes committed by officials of law enforcement agencies until the full functioning of the SBI.

62. In June 2016, the General Inspection within the structure of the PGO was established. Its main purpose is to investigate criminal offences committed by prosecutors.

63. In April 2017, the Conference of Prosecutors elected members of the Council of Prosecutors and the Qualification and Disciplinary Commission for the first time. The Commission is a self-governing and regulatory body deciding on the employment, career progress and dismissal from office of public prosecutors.

5. Criminal justice (97.21, 97.94-97.96)

64. In 2012, Ukraine adopted a new CPC, which updated procedural rules for detention, investigations and criminal trials. The CPC takes into account European standards in the sphere of criminal justice and relevant jurisprudence of the ECtHR. In particular, the CPC extends judicial control at the pre-trial stage, limits the use of pre-trial detention and extends the list of alternative preventive measures (bail, house arrest, custody etc.). This includes shortening the length of judicial proceedings and the introduction of specific criminal proceedings in respect of juveniles.

65. The prosecution for criminal offences committed during the peaceful protests on Maidan Nezalezhnosti in Kyiv and other Ukrainian cities from November 2013 to February 2014 is ongoing. Charges have been raised against 369 public officials, including former President Viktor Yanukovych and former Minister of Interior Vitaliy Zakharchenko. At the present time, 37 officials have been convicted. The prosecution of the remaining

perpetrators is complicated due to the fact that many of them, including Viktor Yanukovych, have fled to Russia or Crimea to escape justice. Russia has granted its citizenship to some of them and has refused to extradite others.

66. The National Police investigated the death of 48 people during the mass protests on May 2, 2014 in Odessa and the fire in the House of Trade Unions. Crimial cases against 29 alleged perpetrators are heard in the courts.

6. Free Legal Aid (FLA)

67. In 2013, Ukraine established 27 regional centers of FLA, which provide assistance in criminal cases. In 2015, the Government opened 528 local centers and bureaus, which provide secondary legal aid in administrative and civil cases. This network effectively covers the whole country, meaning that no-one who needs a lawyer and cannot afford one is left behind. From 2015 to 2017, Ukraine expanded the list of those who are entitled to FLA to include IDPs, women who suffered domestic violence, veterans and asylum seekers.

68. As of 2017, more than 547,000 people have received consultations through the FLA system and in 402,534 cases free secondary legal aid was provided[11].

7. Juvenile justice (97.79, 97.115, 97.116)

69. In 2015, the Law on Probation was adopted, which included provisions on juvenile probation. As of 2017, Juvenile Probation Centers were established in 14 cities across Ukraine. They provide psychological, social, legal and medical services.

70. The Government established the Coordinating Council on Juvenile Justice as an inter-institutional platform for the development of juvenile justice, which corresponds to the child's interests. One of the key tasks of the Council is the introduction of the program of juvenile reconciliation including mediation.

71. Through the wider application of preventive measures and alternatives to custody, particularly house arrest or placement of a child under parents' supervision, the number of juveniles held in places of preliminary detention declined significantly in the period of 2014-2016. In pre-trial detention centers the number decreased from 322 to 156 persons, and in temporary holding facilities (THF) from 1,552 to 809 persons.

72. The number of juveniles serving their criminal sentences in penitentiary institutions is also declining. The number decreased from 348 in 2015 to 304 in 2016, and further to 294 in 2017.

8. Lawyers' self-governance (97.112)

73. In 2012, the Law Regulating the Profession of Advocates was adopted, which ensures the independence of the bar and the quality of legal services. The National Association of Advocates of Ukraine is a self-government body established by law, which regulates the professional activities of advocates.

B. Torture and ill-treatment prevention

1. National Preventive Mechanism (97.32, 97.33, 97.34, 97.35, 97.37)

74. An effective NPM was established in 2012 using the model "Ombudsman-Plus". Accordingly, the Office of the Ombudsman provides technical and organizational support to the independent monitors, proposed and trained by the National Expert Council.

75. The NPM carries out monitoring visits (scheduled and unscheduled) to the places of deprivation of liberty. Scheduled visits are conducted according to an annual plan. Unscheduled visits are carried out to verify specific information about possible violations of human rights, particularly allegations of torture and ill-treatment. The NPM analyzes the compliance with human rights in the places of deprivation of liberty and submits its reports to the Ombudsman for consideration.

76. In the period of 2012–2016 the NPM conducted 1,357 monitoring visits which covered more than 812 places of deprivation of liberty. Particularly, 284 visits (including 50 return visits) were conducted in 2016, confirming 19 incidents of torture.

2. Prevention of torture (97.36, 97.75, 97.98–97.104, 97.108, 97.110, 97.135)

77. Ukraine has recently formally established an independent SBI to investigate crimes committed by high-ranking officials, judges, prosecutors and law-enforcement officers. In particular, the SBI will be investigating allegations of torture and ill-treatment by police officers and other law-enforcement agencies. The open selection process for the Head of the SBI is currently ongoing.

78. In accordance with articles 212 and 213 of the CPC, the law enforcement authorities are obliged to register immediately any person detained, explain grounds for detention, record all procedural actions taken, notify relatives of the detainee on his or her whereabouts and contact a FLA center.

79. Article 87 of the CPC expressly declares inadmissible in court any evidence obtained through unlawful means such as torture, cruel, inhuman or degrading treatment or the threat thereof or other substantial violations of human rights and freedoms.

80. The Government has introduced an IT-system of custody records, where all of the detainees entering the THF are registered. The system registers the time and circumstances of detention, all procedural actions, medical assistance and FLA provided. Currently, this IT-system is tested in 135 out of 150 THF in Ukraine. Moreover, all of the premises of THF are equipped with video surveillance.

81. In order to bring the crime of torture in Art. 127 of the CC in line with the internationally accepted definition a draft law was recently prepared by the MoJ. Torture committed by public or law-enforcement officials is particularly punishable. The draft will be presented for public consultations with the relevant stakeholders.

82. In 2016, Ukraine changed the rules for the application of physical restrictions or the isolation of people with mental health disabilities. More precisely, the duration of the physical restriction should not exceed 4 hours, while isolations should not exceed 8 hours. Every 2 hours a doctor shall evaluate changes in the physical and psychological state of the patient. Restriction measures can only be prolonged by the decision of a Psychiatric Commission.

3. Detention conditions (97.98, 97.99)

83. In 2015, there were 380 THF in Ukraine. Since then facilities that lack minimal detention conditions have been closed, particularly those located in a basement. Facilities that were lacking individual sleeping places, access to daylight or water supply have been closed. Currently there are 150 THF remaining.

84. All THF are equipped with a centralized water supply and central heating. The cells have access to daylight, fresh air, are equipped with individual sleeping places and have bathrooms with running water. Detainees are provided with bedding, three hot meals per day, a shower and walk outdoors.

85. Ukraine has demilitarized the penitentiary service. As the total prison population has decreased significantly (from 122,973 in 2013 to 76,217 in 2016), the MoJ plans to keep 15 penitentiary institutions and improve the conditions in the remaining 133 facilities. New pre-trial detention centers in Kyiv, Khmelnitsky and Odesa are planned to be built on the basis of public-private partnerships.

86. Legislative changes have ensured better conditions for detention facilities. Labor in the detention facilities has ceased to be mandatory. Other improvements include the extension of rights to visits and phone calls, the waiver of payments for court fees and the possibility to purchase food and clothes without any restrictions. Moreover, prisoners are provided with Internet access.

4. Cooperation with international monitoring mechanisms

87. From 19 to 26 May 2016 and from 5 to 9 September 2016 the SPT undertook official visits to Ukraine. On 3 February 2017, Ukraine received the SPT Report and subsequently decided to permit its publication. Ukraine also submitted to the SPT its response on measures undertaken to implement the SPT's recommendations.

88. Since 2012, the CPT has undertaken one periodic and four ad hoc visits to Ukraine. In 2014, the Government permitted the automatic publication of all CPT reports and responses by the Government. However, the Government had the right to postpone publication of the report for up to 6 months. All the CPT reports are carefully considered and the relevant recommendations and observations have been implemented.

89. Both monitoring mechanisms have been given unimpeded access to the places of detention within the Security Service of Ukraine (SSU) during the follow-up visit of SPT in September 2016. Additionally, CPT conducted an ad hoc visit in November 2016. No «secret» and «illegal» places of detention have been identified. Training on the mandate of SPT, CPT and the provisions of the relevant Conventions was held for all law-enforcement authorities prior to the follow-up SPT visit.

90. The Government has developed constructive cooperation with the Special Rapporteur of the HRC on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Substantive responses were given to all requests of the Special Rapporteur and the relevant recommendations were taken into account. The Government supported the initiative of the Special Rapporteur to undertake an official visit to Ukraine during 2017.

C. Non-discrimination, protection of vulnerable groups

1. Non-discrimination policies (97.18; 97.19; 97.20; 97.25; 97.26; 97.27; 97.28; 97.30; 97.38; 97.44; 97.55; 97.56; 97.57; 97.58; 97.59; 97.60; 97.63; 97.64; 97.65; 97.66; 97.69; 97.70; 97.71; 97.72; 97.73; 97.74; 97.105; 97.107)

91. The Law of Ukraine on Principles of Prevention and Combating Discrimination in Ukraine was adopted in 2012 and provides a general framework for anti-discrimination policies. It was amended in May 2014 to include specific forms of discrimination (direct discrimination, indirect discrimination, aiding and abetting discrimination). The amendment also gave more powers to the Ombudsman and prohibited discrimination by private persons and companies. The Law also introduced a mandatory anti-discrimination review of draft legal acts.

92. Draft law No. 3501, now awaiting the second reading in Parliament, further defines the following terms: «discrimination by association», «multiple discrimination» and «victimization». It also clarifies the competence of the Ombudsman concerning preventing and combating discrimination.

93. The Labour Code of Ukraine was amended in 2015 to specifically prohibit discrimination based on sexual orientation and gender identity in employment and occupation.

94. In 2016, the Ministry of Health abolished its Order No. 60, which foresaw an extensive psychiatric observation of transgender people before undergoing gender reassignment surgery. Instead, the new Order No. 1041 foresees a procedure, in which the extent of the surgical operation is defined by the transgender person.

95. Art. 161 of the CC establishes criminal responsibility for violations of equality of citizens on the grounds of their race, national identity, political, religious and other beliefs, sex, ethnic or social origin, property status, residence, language or other grounds.

96. As of mid-2017, under art. 161 of the CC, 34 criminal investigations were initiated, which is a significant increase from the previous years (41 in 2016 and 40 in 2015). In accordance with the results of pre-trial investigations, three criminal proceedings were referred to court in 2015 and four in 2016. Four criminal cases were considered by the courts in 2015 and two criminal cases in 2016, respectively.

97. In 2015, the National Contact Point for Hate Crimes was established within the National Police. According to information provided by that office, as of mid-2017, 76 pre-trial investigations were initiated, compared to 144 in 2016 and 157 in 2015. Based on the results of pre-trial investigations, three criminal cases have so far been submitted to the courts in 2017. In 2016, the number was sixteen and twelve in 2015. The Government continues to promote information campaigns in order to raise awareness of citizens and encourage hate crime reporting.

98. In 2016, the official crime report form was amended to include a section on whether the crime was committed on the grounds of intolerance.

99. Draft law No. 1729 was withdrawn from Parliament on 12 December 2012 (recommendation 97.19).

2. Gender equality (97.31; 97.47; 97.48; 97.52; 97.53; 97.54; 97.76; 97.77; 97.78)

100. The Government approved the National Action Plan to implement UN Security Council Resolution 1325 on «Women, peace, security» until 2020. The recent appointment of the Commissioner for Gender Equality will ensure coordination within the Government on gender-related policies.

101. The Law on Ensuring Equal Rights and Opportunities of Women and Men aims to achieve equality between women and men in all spheres of society through legally enshrining and protecting rights and opportunities, applying special temporary measures and working to eliminate imbalances between the opportunities for women and men. All legislation of Ukraine is analysed by legal and gender experts to be in line with these provisions and to fulfil these guarantees. Administrative and criminal responsibility has been introduced for violations of the legal provisions in this regard.

102. Women currently hold only about 12 percent of the seats in Parliament (52 out of 422 MPs). In 2013, the Law on Political Parties introduced public financing of political parties and gave additional financing for parties reaching a 1/3 gender quota in the party list. In 2015, the Law on Local Elections foresaw a 30 percent gender quota in party lists for local elections. However, no sanctions were applied for the violation of this quota. Several draft laws submitted to Parliament foresee a mandatory 30 percent gender quota for both local and national elections.

103. Ukrainian women represent 31.5 percent of company owners, 18.8 percent of company top managers and are 12.9 percent of single owners of companies.

104. In 2016, average wages earned by women were 25.4 percent less than those earned by men. The Strategy for Poverty Reduction 2016-2020 intends to solve this problem by strengthening public control over discriminatory practices and the gradual introduction of gender quotas for State-owned enterprises.

105. In June 2017, the Ministry of Health announced its intention to abolish Regulation No. 256, which lists 450 professions prohibited for women. This draft decision is currently published on the website of the Ministry of Health for public consultations.

106. In June 2016, the Ministry of Defense amended its Order No. 337 by significantly increasing the list of combat positions open to women (290 positions added). While previously women mostly served as nurses, accountants or cooks, they now can join military intelligence, serve as military vehicles commanders, mortar commanders or snipers.

107. In 2017, gender-responsive budgeting was integrated for the first time into the Strategy of Public Finances Management for 2017-2021, which forms a basis of the budget process in Ukraine.

108. The national system of indicators of gender statistics already includes 115 absolute and estimated indicators, which corresponds to European and international statistical standards. Ukraine uses the list of 73 indicators of the UNECE gender statistics database.

3. Prevention of gender-based violence (97.76; 97.77; 97.78)

109. The Government is addressing the problem of domestic violence by focusing on raising awareness, building trust with the police, information campaigns, providing assistance to victims and prosecuting offenders.

110. Draft Law on Preventing and Fighting Domestic Violence (Registration No. 5291 dated 20 October 2016) was adopted in the first reading. It provides for a mechanism of prevention and provision of effective assistance for those who have suffered from this type of violence. The adoption of this law will ensure a comprehensive approach to prevent any form of violence against women and will counteract gender discrimination.

111. Since October 2016, 26 mobile teams in five regions have provided social and psychological assistance to victims of domestic violence. They consist of three members (one social worker and two psychologists) providing social and psychological services to individuals who found themselves in difficult circumstances due to gender-based violence. In the first half of 2017, these mobile teams provided social and psychological assistance to 19,329 persons, 90 percent of whom were women.

112. In June 2017, the National Police launched a pilot project ("POLINA") to deploy mobile response groups against domestic violence in three cities – Kyiv, Odesa and Sevrodonetsk. In the first month, 341 departures were performed, 376 applications were received, four criminal proceedings were initiated and 115 administrative protocols were drawn.

113. As of mid-2017, 439 domestic violence offences have been investigated. Currently, 19 Social and Psychological Support Centers provide temporary shelter and complex assistance to persons who have been subjected to domestic violence. In 2017, 397 persons have been sent to specialized centers for rehabilitation and 2,199 persons who experienced repeated domestic violence were sent to crisis recovery centers for rehabilitation.

114. HRMMU in its Report on Conflict-Related Sexual Violence in Ukraine reported on sexual violence perpetrated against civilians in residential areas cordoned off by armed groups[17]. For the first time Ukraine got a UN-certified expert in processes of transitional justice and investigation of conflict-related sexual and gender-based violence[18].

115. Ukraine continues to work on the ratification of the Istanbul Convention. A working group has been established in Parliament for this purpose.

4. Combating Trafficking in Human Beings (97.49, 97.80, 97.82, 97.83, 97.84; 97.85)

116. Approved in 2016 the State Social Program for Combating Trafficking in Human Beings for the period until 2020 envisages a comprehensive set of measures for preventing trafficking in human beings, protecting the rights of victims and providing assistance to those affected.

117. The material assistance for a person who has suffered from trafficking has been increased to a one-time payment of three times the estimated cost of monthly subsistence.

118. The Parliament is considering a draft law on strengthening the fight against trafficking in human beings and the protection of victims (registered number 6125 as of 23 April 2017). It aims at improving the procedure for determining the status of a person who has suffered from human trafficking and expanding the network of institutions providing assistance.

119. A large-scale information campaign is held annually for prevention and raising public awareness concerning the risks of trafficking in human beings. One result of these campaigns has been an increase of appeals for establishing the status of a person who has suffered from trafficking.

120. Trainings on combating trafficking of human beings for the law enforcement officials are continuously carried out to improve their knowledge and ability to take measures on combating trafficking in human beings.

121. From 2012 to 2017, 867 Ukrainians were officially recognized as victims of human trafficking. Most probable countries of destination for human trafficking include Russia – 144 cases, Poland – 35 cases, Turkey – 17 cases, Croatia – 6 cases, Italy, Spain and Belarus – 5 cases each.

122. As of mid-2017, 146 criminal offences of human trafficking were revealed which is 140 percent more than in 2016 (60 offences). 69 people were identified for having committed human trafficking offences (compared to 22 in 2016). Nineteen of them were taken into custody (compared to 10 in 2016). Thirty criminal cases were considered by the courts in 2015 and 11 criminal cases in 2016, respectively.

123. In its Report on Conflict-Related Sexual Violence in Ukraine, HRMMU analyses that the deterioration of the economic situation in conflict-affected regions can expose people or force them to resort to harmful survival strategies and coping mechanisms, which may increase their exposure to the risk of sexual violence or trafficking".

5. Stateless and asylum seekers (97.142, 97.143, 97.144, 97.145)

124. Ukraine acceded to the Conventions on the Reduction of Statelessness and Relating to the Status of Stateless Persons. The draft Law on the Procedure of Statelessness Status Determination (Registration No. 5385 dated 10 November 2016) is under consideration in the Parliament.

125. In 2013 the legislation of Ukraine on refugees was amended by prohibiting deportation or forced return of a refugee or a person in need of complementary or temporary protection.

126. The Code of Administrative Procedure foresees judicial review of the administrative decisions on refugee status or complementary protection. Positive trends were observed in 2014-2016 with courts giving a significant number of decisions in favour of asylum seekers. The number of people who have been granted refugee status or complementary

protection in Ukraine as of January 2017 is 3,082. Free legal aid centers have become instrumental in assisting asylum seekers in the application process.

127. An interpreter is provided to inform applicants for refugee status or complementary protection, at all stages of consideration including the court procedure, as well as migrants on forced return or deportation, in a language that the person understands.

128. Over the last five years there were no cases of forced return of persons who had applied for recognition as refugee or of a person in need of complementary or temporary protection.

6. Rights of the child (97.22; 97.29; 97.39; 97.40; 97.41; 97.42; 97.81; 97.86; 97.87; 97.125)

129. The National Action Plan for the Implementation of the UN Convention on the Rights of the Child until 2016 has been completed. The concept of a new National Action Plan until 2021 has been approved. It is based on the aim of creating favorable conditions for the life of the child and its development, the provision of equal opportunities for all children and securing children's rights during military actions or armed conflicts.

130. In order to fully implement CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, a draft law (Registration No. 6588 dated 15.06.17) on amendments to: the CC with aim to establish criminal liability for crimes related to the sexual exploitation of children; the CPC concerning procedural peculiarities of proceedings involving a child witness and victims of sexual crimes; the Law on Protection of Childhood preventing the perpetration of illegal actions against children by persons who are in constant contact with them, was developed.

131. The legislation of Ukraine issues birth certificates to all newborn children, which fully guarantees the right of a person to State registration regardless of legal status of a child's parents, ethnicity or social origin. The functioning of the State registration of child's birth authorities has been simplified.

132. Since 2016, the State registration of births is available not only in the registry offices but also directly in hospitals and in birthing centers and is free of charge. The introduction of such an approach is one of the incentives for the mandatory State registration of birth.

133. Parliament is preparing draft legislation on decentralization in order to bring administrative services closer to people in the field of State registration of civil status acts (Registration No. 4605 dated 6 May 2016). This aims at expanding the extra-territorial principle and maximizing access to State registration of civil status, including birth.

134. In February 2016, the Civil Procedure Code was amended aiming to guarantee State registration of births for children born in the TOT and Donbass. More than 15,000 Ukrainian birth certificates have been issued since the introduction of the simplified court procedure to such children.

135. In February 2016, the legal concept of 'children who suffered the consequences of armed conflict and military actions' was amended. Secondary legislation for a clear procedure of granting this status to children is currently in preparation. In the Armed Forces of Ukraine, with the involvement of human rights NGOs, educational and training measures are taken to ensure the rights of children and young people in conflict.

7. Rights of persons with disabilities (97.16; 97.43; 97.133; 97.134)

136. The National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities until 2020 was approved in 2016.

137. In March 2017, the draft Law on Social Services (amended) was approved at the first reading. It aims to strengthen the legal framework for enhanced support of vulnerable target groups such as persons with disabilities, children, and elderly people and envisages, inter alia, State budget support for social services such as sign language and typhlo-sign language (blindness) translations. The draft Law on Guardianship and Custody over Adult Incapable or Partly Incapable Persons (Registration No. 4606 dated 6 May 2016) is currently under consideration in Parliament.

138. The draft Law on employment of persons with disabilities (Registration No. 4578 dated 4 May 2016) is intended to improve the situation with job placement, worker safety and health conditions for people with disabilities.

139. A capital repair of accomplishment facilities without establishment of a barrier-free living environment for persons with disabilities is prohibited (Instruction of Ministry of Housing and Building No. 151 dated 16 June 2017).

140. In May 2017, the Law on Education was amended with the aim to create proper conditions for access to education for people with special education needs. This amendment applied to any education institution regardless of ownership or subordination.

141. Since 2014, higher education programs have included various subjects connected to people with disabilities. The public contract for TV and radio broadcasting includes a 10 percent requirement for people with special needs.

142. The FLA has been providing people with disabilities with the assistance of sign language interpreters.

143. A number of draft Laws on special arrangements for people with special needs are being discussed in the Parliament. These include provisions for access to courts (No. 6211), buildings (No. 6420), transportation and voting stations (No. 5559), as well as administrative fines for violations of norms on special arrangements for people with disabilities (No. 5546).

8. Ensuring the rights of national minorities (97.61, 97.62, 97.67, 97.136, 97.140, 97.141)

144. In 2017, the Expert Council on Ethnic Policy was established as a permanent advisory body that monitors, analyzes and assesses various aspects of ethnic policy. It examines issues related to the implementation of State policy in the area of interethnic relations and the protection of the rights of national minorities. The Council is currently working on several draft laws related to national minorities and on a new Concept of Ethnic and National Policy in Ukraine.

145. On 17 April 2014, the Law on the Restoration of the Rights of Persons Deported on Grounds of Nationality was adopted. A portion of the annual State budget is allocated for the needs of the Crimean Tatars.

146. The draft Law on the Status of the Crimean Tatar People (No. 6315 dated 7 April 2017) is aimed to create legal conditions for the implementation of the inalienable right to self-determination by the Crimean Tatar people and to guarantee the preservation and development of its ethnic, cultural, linguistic and religious identity as indigenous people of Ukraine.

147. Roma people continue to face discrimination and are less integrated in Ukrainian society than other ethnic minorities. The Government is conducting awareness-raising and educational activities, and has been taking a number of specific measures to ensure better integration of Roma people.

148. The 2013 Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 and the Action Plan for its implementation aim at

increasing educational opportunities for Roma, poverty reduction, and the improvement of housing and living conditions especially in places of compact residence as well as cultural development.

D. Civil and political rights (97.50, 97.118–97.123)

1. Management of public affairs (97.50)

149. The Government Act on Ensuring public participation in the formation and implementation of the State policy was passed on 3 November 2010. It focuses on the participation of citizens in the management of public affairs and in the decision-making process. The forms of participation include the public discussion of regulatory and legal acts, public consultations, electronic consultations and public opinion research.

150. In 2016, the Government approved the National Strategy for Promoting Civil Society Development in Ukraine for the period of 2016–2020. It aims at creating conditions for effective collaboration between public authorities and all types of civil society organizations, public initiatives and self-organizations on the basis of partnership, political impartiality and non-discrimination.

2. Freedom of mass media (97.118)

151. In 2014, the Law on Public Television and Radio Broadcasting of Ukraine was adopted. It aims at promoting the formation of a civil society by involving citizens in discussions on public policy and solving the most important social and political issues in an inclusive manner. The Public Television and Radio Broadcaster of Ukraine was established on the basis of State ownership.

152. In 2015, legislation was adopted to allow the opening of databases on the beneficiary owners of different mass media companies in order to provide the public with information about ownership and, accordingly, the control and influence on mass media from their respective owners.

153. In 2015, the Law on the Reform of State-owned and Municipal Printed Media was adopted with the aim to restrict the influence of public and local government authorities on State-controlled and municipal press and to ensure the editorial independence of print media staff.

154. Ukraine has introduced a procedure for banning of international TV channels, movies and printed materials that endanger the independence, sovereignty or territorial integrity of Ukraine. It also bans the spread of war propaganda and the justification of the occupation of parts of Ukraine. This procedure is justified under Art. 20 of the ICCPR and follows the requirements established in Art. 19.3 of the ICCPR.

155. In its report "Crimea. Freedom of the Press 2016", Freedom House emphasized that hundreds of media outlets were unable to obtain registration with Russian authorities as of April 2015. The Russian federal media regulator (Roskomnadzor) reported that only 232 media outlets had successfully registered, which is down from about 3,000 when Crimea was under the Ukrainian constitutional authority. The Crimean Tatar television station ATR ceased broadcasting from Crimea at the end of March 2015. Moreover, Roskomnadzor has been blocking online news outlets based in mainland Ukraine.

3. Protection of journalists (97.119–97.122)

156. On 14 May 2015, the Law on Strengthening the Guarantees of Legitimate Professional Activity of Journalists established criminal responsibility for obstructing professional activities of journalists. This included threatening or using violence against a

journalist, intentional destruction or damage of a journalist's property, assault on the life of journalists and taking a journalist as hostage.

157. In 2016, amendments to the CC increased the punishment for violations of the secrecy of correspondence, telephone conversations, telegraph or other correspondence transmitted by means of communication or via computer, and for the obstruction of the legitimate professional activities of journalists. In 2016, 141 offences were recorded and 96 as of mid-2017.

158. Since 2016, the Council for the Protection of Professional Activities of Journalists and Freedom of Expression carries out the monitoring of the protection of professional activities of journalists and the freedom of expression in Ukraine.

159. The freedom of the media is significantly suppressed in Crimea under the Russian occupation. A number of media left the peninsula due to unbearable working conditions. One of the most alarming issues has been placing journalists on the list of "terrorists and extremists". On 19 April 2016, FSB (Russian Federal Security Service) agents in Crimea raided and searched the house of journalist Mykola Semena (a freelancer with Krym.Realii), and briefly detained him for interrogation in connection to a criminal probe on charges of making calls for separatism. Semena was detained on 19 April 2016 and later released on bail with travel restrictions[15].

4. Right to peaceful assembly (97.123)

160. The Constitution of Ukraine guarantees the freedom of peaceful assembly. The National Police maintains public order during all public events, including demonstrations, meetings and protests.

161. In 2016, the Constitutional Court of Ukraine ruled unconstitutional legislative provisions, which required prior approval to be received for a peaceful assembly. The Court effectively confirmed that authorities will only have to be notified of a planned public assembly.

162. Two alternative draft laws regulating the right of peaceful assembly have been registered at Parliament (No. 3587 of 7 December 2015 and No. 3587-1 of 11 December 2015). On 8 October 2016, the Venice Commission, together with OSCE experts, issued a positive assessment (Opinion No. 854/2016 of 18 October 2016) of the draft laws as a whole and noted that most of the provisions were in line with international standards.

E. Social rights (97.46, 97.126–97.132, 97.137–97.139)

1. Education (97.126, 97.127, 97.137, 97.138, 97.139)

163. In the State Budget of Ukraine for 2017, the financing on education was about 6.2% of GDP (in 2016 – 5.4% of GDP; in 2015 – 5.8% of GDP; in 2014 – 6.4% of GDP).

164. In 2016–2017 academic year, 16,900 general education institutions of all types and forms of ownership were operational in Ukraine, serving about 3.9 million students and employing 439,000 teachers, including 11,200 in rural areas. In secondary schools there are almost 1.2 million students and 202,000 teachers are employed.

165. The reform of the general primary and secondary education system, begun in 2016, aims at improving the access to quality education for people living in rural areas. Demographic decline has led to a widespread phenomenon of rural schools with extremely low numbers of students. This made quality education almost impossible.

166. The reform foresees that primary schools should normally be in the village where children live. Middle and high school resources will be pulled together around hub schools.

normally the biggest school in a district. Students from the neighbouring villages or towns will be brought to classes by school buses. Local schools will either be closed or operate as affiliates of a hub school. This pooling of material and academic resources to hub school will improve the quality of education for students especially from small or remote villages. As of June 2017, 178 hub schools and 511 affiliate schools have already been established.

167. A network of educational institutions serves to ensure the right to education in the languages of national minorities. Pre-school educational institutions provide education in six languages (Ukrainian, Moldovan, Polish, Russian, Romanian, and Hungarian). Secondary schools are available in eight languages (Ukrainian, Bulgarian, Moldovan, Polish, Russian, Romanian, Slovakian, and Hungarian). The publication of textbooks for these institutions is funded by the State Budget annually. This year's examinations for the entry to Higher Education Institutions were available in Russian, Hungarian, Moldovan, Crimean Tatar, Polish, and Romanian.

2. Health care (97.46, 97.128–97.130)

168. In 2017, State Budget allocations for the public health care system increased by 27 percent and amounted to 2.8 percent of GDP.

169. In 2016, the Concept of Health Care Financing Reform was approved, which provides for State guarantees regarding the amount of free medical aid and the development of the public health system. The concept implementation would help to create a unified system of preventive medicine. Primary, secondary and tertiary medical care would be clearly defined and distributed evenly in newly created hospital districts.

170. In order to make medication affordable to all population, especially the poor, several initiatives were introduced: a) a reference pricing system for drugs was adopted, which was based on the median price of the five neighbouring countries; b) a State reimbursement program covering 157 drug items including for cardio-vascular diseases, type-2 diabetes and asthma, has been made available to patients for free or little cost; c) transparent public procurement of the most valuable drugs has been provided through UNDP, UNICEF and other reputable international organizations, eliminating corruption from this process and preparing the ground for the establishment of the National Procurement Agency.

171. Low levels of immunization in Ukraine have led to new cases of polio, tetanus and measles registered during 2015–2017. The cause is a low level of knowledge about vaccination and a low risk perception associated with vaccine-preventable diseases. It is further exacerbated by the low public confidence in the safety and quality of vaccines. The Government responded with a social mobilization campaign, communication through mass media, training and capacity building to raise awareness and improve the situation.

172. In 2017, the Strategy for Ensuring a Sustainable Response to the Tuberculosis and HIV/AIDS Epidemic until 2020 and an Action Plan for its implementation were approved.

173. In 2015, the procurement procedures of medical products and remedies were amended. Such procurements within the State programmes are carried out with the assistance of specialized international organizations in medical sphere. The procurement of the vaccines at the expense of the State Budget has been initiated. Preparation is currently continuing of the National Strategy on planning of the national immunization program for the period 2017–2022.

3. Rights to safe and healthy environment (97.131, 97.132)

174. In order to implement the Paris Agreement, the Concept of State Climate Change Policy Implementation until 2030 was approved. This is the first State strategic document aimed at creating a systemic approach to addressing climate change.

175. The draft Action Plan for implementing of the Concept of State Climate Change has been prepared which provides for the measures to implement the Paris Agreement.

176. Ukraine has undertaken international legal obligations to ensure public participation while making environmentally relevant decisions. Accordingly, an environmental impact assessment procedure has been introduced. The procedure takes into account the requirements of the Aarhus Convention and the Espoo Convention. In 2017, the Law on Environmental Impact Assessment was adopted, which aims at preventing damage to the environment, and ensuring environmental safety, environmental protection, and the rational use and reproduction of natural resources.

177. In 2017, the Concept of Reforming the System of State Supervision in the Field of Environmental Protection was adopted. It envisages the implementation of a new system for monitoring the state of the environment.

V. Key national priorities

178. To continue close cooperation with the HRC and other international human rights mechanisms for the realization of human rights and freedoms for creating effective mechanisms for their protection and resolving systemic problems in this area.

179. To implement the NSHR and other strategic policy instruments on human rights.

180. To strengthen the capabilities of the NPM and introduce a «zero tolerance» policy in all cases of torture and ill-treatment.

181. To continue defending Ukraine's national interests and protecting human rights through the ICJ and the ECtHR.

182. To take all possible steps aiming to adhere and ensure the human and citizen rights and freedoms guaranteed by the Constitution and the laws of Ukraine, and international treaties, with particular emphasis on the rights and freedoms of citizens living in Crimea and in the areas affected by armed aggression of Russia, as well as protecting the rights of IDPs.

183. Ukraine expresses its commitment to the implementation of UN GA Resolution 71/205 and urges the international community to give its support to the comprehensive implementation of this document, continue political pressure on Russia with the view to provide access to Crimea by authorities and monitoring mechanisms of the UN, CoE, OSCE and other international organizations as well as to remain focused on the humanitarian situation and the observance of human rights in the TOT and Donbas, where the aggression of Russia against Ukraine continues.

184. To continue investigating human rights violations in Crimea and Donbas.

185. To continue taking measures for the implementation of ECtHR decisions.

Notes

[1] Russian aggression in Donbas and its subsequent occupation was confirmed by the Proclamation of the Parliament of Ukraine on Recognition of the Russian Federation as an Aggressor State (27 January 2015 No. 129-VIII) and Proclamation on Repelling the armed aggression of the Russian Federation and overcoming its consequences" (21 April 2015 No. 337-VIII).

[2] https://www.om.nl/onderwerpen/mh17-vliegramp/presentaties/presentation-joint/

[3] https://www.youtube.com/watch?v=3PyEspLz8UQ

[4] The biggest number of IDPs are in Donetsk region – 528,000, in Luhansk region there are 289,700, in

Kharkiv region – 196,700, in Dnipropetrovsk region – 75,000, and in Kyiv – 167,000. Among the IDPs 806,600 are pensioners, 57,600 are persons with disabilities and 241,500 are children.

[5] More than 3 billion UAH were provided in the State budget for 2017 for this programme. As of the middle of 2017, 1, 245,265 families have applied for this aid. Assistance has been assigned to 1,153,609 families. The average funding for one family is around 1,768 UAH.

[6] Employment centres provide an employment aid to IDPs. As of the middle of 2017, 29 thousand IDPs are employed. 6,5 thousand IDPs had undertaken the professional trainings by an assignment of employment centres.

[7] http://iom.org.ua/sites/default/files/nms_report_march_2017_ukr_new.pdf

[8] http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)027-e

[9] http://www.echr.coe.int/Documents/Stats_pending_2017_BIL.pdf

[10] http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)025-e

[11] https://docs.google.com/spreadsheets/d/1DHjYYUlKvgreW37cM3JYyL1Omy8Gr6JOZAQvV1cFxdh4/edit#gid=1036692300

https://docs.google.com/spreadsheets/d/1WTmlzzpwvsh8Qu670lo8_7AYdm_o46hNRAsVeOfRxTs/edit#gid=904525845

[12] https://www.humanitarianresponse.info/system/files/documents/files/ua_-_16_february_2017_-_ukraine_-_ohchr_report_on_crsv.pdf

[13] This expert is a military lawyer in the General Staff of the Armed Forces of Ukraine.

[14] http://www.ohchr.org/Documents/Countries/UA/ReportCRSV_EN.pdf

[15] https://www.coe.int/en/web/media-freedom/all-alerts/-/asset_publisher/aj/alert/16318086

United Nations A/HRC/WG.6/28/UKR/2

General Assembly

Distr.: General
4 September 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-eighth session
6-17 November 2017

Compilation on Ukraine

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Ukraine was encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[3] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,[4] the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169)[5] and the 2008 Convention on Cluster Munitions,[6] and accelerate the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).[7]

3. The United Nations country team[8] noted that the 2016 constitutional amendments had allowed Ukraine to ratify the Rome Statute of the International Criminal Court, but by no earlier than September 2019.[9]

4. It also noted that Ukraine had not become a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.[10]

5. In March 2014, the human rights monitoring mission in Ukraine, established by the Office of the United Nations High Commissioner for Human Rights (OHCHR), had initiated its activities at the invitation of the Government of Ukraine and in accordance with General Assembly resolution 68/262 on the territorial integrity of Ukraine.[11] Since 2014, the Assistant Secretary-General for Human Rights had visited Ukraine five times.

6. OHCHR indicated that, in June 2015, the Government of Ukraine had notified the Secretary-General of derogations from articles 2 (3), 9, 12, 14 and 17 of the International Covenant on Civil and Political Rights to be applied in certain districts of the Donetsk and

Luhansk regions.[12] The United Nations country team recommended that Ukraine establish a mechanism for the periodic independent review by Parliament of the necessity of measures derogating from the Covenant and that derogations be lifted as soon as no longer required.[13]

7. OHCHR reported that, in October 2015, the Government had given further notification on "the specifics of the territorial application and implementation" of 16 United Nations treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, stating that the application and implementation by Ukraine of its obligations under those treaties was "limited" and "not guaranteed" on territories deemed to be occupied and uncontrolled. OHCHR stressed that the notification had invoked some treaty provisions, such as those prohibiting torture, that remained binding on States as part of customary international law.[14]

III. National human rights framework[15]

8. The United Nations country team noted that the Government had amended the Constitution in June 2016, creating legal conditions for an independent judiciary, including transparent procedures and criteria for the appointment and dismissal of judges and the use of disciplinary measures. It also noted that further amendments to the Constitution in the area of human rights and decentralization were pending.[16]

9. The team reported that, while Ukraine had acceded to the International Convention for the Protection of All Persons from Enforced Disappearance, provisions regarding criminalization of enforced disappearance had not been integrated in national legislation.[17]

10. The team stated that the Ombudsperson's Office had been re-accredited with "A" status under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and noted other positive developments. It recommended that its regional presence be enhanced under the current model of Ombudsperson's Office staff combined with civil society partners with proper State funding, and that its current mandates on personal data protection and access to public information be entrusted to an independent supervisory body.[18] The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment welcomed the designation of the Ombudsperson's Office as the national preventive mechanism. It was, however, concerned that it lacked sufficient resources to carry out its functions fully and considered that its preventive activities could be strengthened and its public profile increased.[19]

11. OHCHR indicated that, in November 2015, the Government had adopted the Human Rights Action Plan of Ukraine, which had included activities aimed at addressing systemic issues and conflict-related challenges.[20]

12. In February 2015, the Government adopted and signed the "Package of measures for the Implementation of the Minsk Agreements" on the peaceful settlement of the conflict in eastern Ukraine, which was endorsed by the Security Council in its resolution 2202 (2015).

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[21]

13. The Committee on the Elimination of Racial Discrimination welcomed the adoption of the 2012 Act on the principles of preventing and combating discrimination, but was concerned at the absence of national origin and descent as grounds for racial discrimination.[22] Similarly, the Human Rights Committee raised concern about the absence of sexual orientation and gender identity as prohibited grounds for discrimination.[23]

14. Both Committees were also concerned at reports of increased racist hate speech and discriminatory statements in the public discourse, as well as racially motivated incidents and hate crimes, against, inter alia, Roma, Crimean Tatars, Jews, lesbian, gay, bisexual and transgender persons, Africans, asylum seekers and refugees in Ukraine.[14] Such crimes and incidents were not always adequately and effectively investigated, and those responsible were not prosecuted and punished.[15] In addition, requirements for the application of article 161 of the Criminal Code to acts of racial discrimination had hampered its effectiveness, resulting in difficulties in proving racial motivation.[16]

15. While noting some positive efforts by the authorities, the United Nations country team indicated that hate crimes remained underreported and that there was no government system in place for monitoring such crimes. It recommended, inter alia, that Ukraine conduct public campaigns to promote cultural diversity and tolerance towards victims of hate crimes.[17]

16. The Special Rapporteur on minority issues stressed that the Government and all political parties had to uphold the highest standards regarding the banning of statements and political platforms that promoted racism, xenophobia or hate speech, or that were intended to incite ethnic, religious or other forms of hatred or intolerance.[18]

17. The United Nations country team noted that, in 2015, Ukraine had adopted labour legislation prohibiting discrimination on the grounds of sexual orientation, although no criminal sanctions had been foreseen.[19]

2. Development, the environment, and business and human rights[20]

18. The Committee on Economic, Social and Cultural Rights was concerned about the extent of corruption in Ukraine and its adverse impact on the enjoyment of all human rights. It recommended, inter alia, that Ukraine, as a matter of priority, address the root causes of corruption.[21]

19. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes warned against the threat of catastrophic chemical disaster due to the armed conflict in eastern Ukraine.[22]

B. Civil and political rights

1. Right to life, liberty and security of person[23]

20. The United Nations country team reported that, since mid-April 2014, over 2,000 civilians had been killed in armed hostilities, mostly as a result of indiscriminate shelling of populated areas in eastern Ukraine. Hospitals, schools and other civilian objects that enjoyed protected status under international humanitarian law had been targeted. Government forces and armed groups had used civilian infrastructure for military purposes and military positions continued to be located in or near residential areas. The parties to the conflict had laid landmines, including anti-personnel mines.[24]

21. Dozens of civilians and persons hors de combat had been subjected to summary executions and killings or had died of torture and ill-treatment in custody. About 3,000 conflict-related detainees had been deprived of their liberty in the territories controlled by the armed groups. They had been subjected to torture, ill-treatment and/or inhuman conditions of detention, often aggravated by the lack of access of external observers. In Government-controlled territory, conflict-related detainees had often been kept incommunicado, including in unofficial places of detention, and subjected to torture and ill-treatment. Hundreds of persons remained missing on both sides of the contact line.[25]

22. OHCHR indicated that cases of conflict-related sexual violence against women and men remained underreported mainly owing to the stigma and shame survivors felt, the lack of pertinent services on both sides of the contact line and the weak capacity of law enforcement to investigate crimes of a sexual nature.[26]

23. It noted that the provision of humanitarian assistance remained challenging in territory controlled by armed groups in the eastern regions. Humanitarian access to persons

in need continued to be seriously hampered by the "accreditation" system imposed by armed groups.[23]

24. The United Nations country team recommended that the Government and other actors performing State-like functions: put an end to fighting and violence, including through the full implementation of the Minsk agreements and by removing heavy weapons; provide unhindered access to external monitors to all places where people might be detained; and ensure full respect of international human rights law and international humanitarian law, including the prohibition of killing or injuring civilians and other protected persons, arbitrary deprivation of liberty, enforced disappearance, torture and cruel or inhuman treatment, indiscriminate or disproportional attacks, denial of humanitarian relief, destruction or appropriation of civilian objects or other protected objects and denial of fair trial rights.[24]

25. The Special Rapporteur on extrajudicial, summary or arbitrary executions made similar recommendations, adding, inter alia, that all remaining illegal volunteer battalions and militias should be disbanded and disarmed or effectively integrated into the regular armed forces, with effective control and accountability.[25]

26. The Special Rapporteur noted that, during the period from December 2013 to February 2014, 123 people had lost their lives as a result of violence during the protests in Maidan Square in Kyiv, including 106 persons — most of them protesters — and 17 officers of the internal affairs police. He raised concerns that at least 77 persons had been killed as a result of the firing of live ammunition, allegedly by special police force and other law enforcement officers.[26]

27. The Special Rapporteur also noted that, in May 2014 in Odessa, at least 48 people had died in the context of clashes between rallies of people of opposing political opinions, to which authorities appeared to have reacted in a deliberate, ill-prepared or negligent fashion, not intervening to prevent or stop the violence at the Kulykove Pole Square.[27]

28. The Subcommittee on Prevention of Torture reiterated its recommendation that Ukraine bring provisions of the Criminal Code regarding the definition of torture into full compliance with article 1 of the Convention against Torture. It also recommended that the offence of torture be prosecuted under the provision relating to torture — rather than under those relating to abuse of power or authority — and that acts of torture and ill-treatment be made punishable by penalties commensurate with their gravity.[28] The Committee against Torture made similar recommendations.[29]

29. The Subcommittee on Prevention of Torture referred to numerous and serious allegations of acts, committed under the control of the State Security Service, during periods of unofficial detention and during the apprehension and interrogation of detained persons, that would amount to torture and/or ill-treatment.[30]

30. The Committee on the Elimination of Discrimination against Women recommended that Ukraine amend article 152 of the Criminal Code so as to incorporate provisions on sexual violence, including a broader definition of rape, in line with international standards, which will include the conditions "committed by force, or by threat of force, or coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or another person, or by taking advantage of a coercive environment or committed against a person incapable of giving genuine consent" in order to ensure accountability for conflict-related sexual violence.[31]

31. The Committee against Torture remained concerned about the poor conditions in places of detention, including serious overcrowding, and the high mortality rate previously documented among prisoners, including a high incidence of suicide.[32]

32. The Committee on the Rights of Persons with Disabilities was concerned about the various forms of abuse, including those that could amount to cruel, inhuman or degrading treatment, against persons with disabilities, particularly boys and girls in conditions of institutionalization.[33]

2. Administration of justice, including impunity, and the rule of law[a]

11. The United Nations country team stressed that impunity for perpetrators of human rights violations was widespread, often justified by the challenges posed by the ongoing conflict.[47]

12. The team recommended that Ukraine: ensure that investigations for killings and other violations in the east were prompt, independent and impartial and that those responsible, directly or as bearers of command authority, were brought to justice; ensure that no impunity to perpetrators complicit with acts of arbitrary deprivations of life and other gross violations of human rights and serious violations of international humanitarian law took place in the context of amnesty and pardoning envisaged by the Minsk agreements or any other amnesty or pardoning; repeal legal provisions allowing a person arrested on suspicion of terrorism to be detained for up to 30 days without any court review; prevent interference with the independence of the judiciary, including through securing the safety of courtrooms, judges, prosecutors and defence lawyers; and take steps to establish the State Bureau of Investigation tasked with investigating crimes committed by high-ranking officials, judges and law enforcement officers and ensure its effective functioning.[48] Several treaty bodies and special procedures made similar recommendations.[49]

13. The Special Rapporteur on executions added, inter alia, that proper internal measures for reporting exchanges of fire and a system of independent oversight of all those who performed law enforcement functions should be established.[50]

14. The United Nations country team highlighted that the armed groups had undermined the human rights of the people residing under their control notably by imposing an arbitrary system of rules. Subjected to unaccountable rule and excluded from the legal system applying to the rest of Ukraine, the population living in the territories controlled by the armed groups had been effectively denied protection and deprived of basic human rights and freedoms.[51]

15. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination encouraged enhanced mutual legal assistance regimes and extradition agreements with the countries of origin of the foreign fighters, to facilitate a greater exchange of evidence and information in order to better secure convictions for crimes committed in Ukraine.[52]

16. The United Nations country team stated that investigations into the human rights violations that had taken place during the Maidan protests had seen some progress, while those into the violence in Odessa had progressed selectively, with the trials being subjected to undue delays and continued interference and no one being held accountable.[53] The authorities were urged to complete the investigations into the events as a matter of priority and establish accountability.[54]

17. The country team, the Subcommittee on Prevention of Torture and the Committee against Torture recommended that Ukraine investigate all allegations of torture and ill-treatment through processes that were prompt, impartial, thorough, transparent, efficient and effective, and that those responsible be prosecuted.[55]

18. The Committee against Torture and the Subcommittee on Prevention of Torture recommended that Ukraine ensure fundamental safeguards, including information on rights and on detention, notification of custody, access to a lawyer, medical care and examination and contact with the outside world, applicable to all detainees, regardless of the reason for or the place of detention.[56]

21. The United Nations country team noted that women experienced more serious barriers in terms of access to justice than men.[57]

22. The country team stated that insufficient efforts had been made to prevent abuse of children in detention facilities, while juvenile crime rates had increased. It recommended that Ukraine develop a separate legislative framework on juvenile justice and that it establish a system of complaints and responses for such abuses.[58]

23. The Committee on the Rights of Persons with Disabilities was concerned that persons working in the administration of justice had not been adequately trained on the rights of

persons with disabilities, including on reasonable accommodation and procedural accessibility.[61]

3. Fundamental freedoms and the right to participate in public and political life[62]

44. The United Nations country team indicated that armed groups had persecuted members of religious minorities — mostly Protestants and Jehovah's Witnesses — who had been abducted and ill-treated. The groups had also seized or looted church buildings and houses of prayer.[63]

45. OHCHR noted an ongoing deterioration in the right to freedom of opinion and expression in conflict-affected parts of Ukraine, particularly in territory controlled by armed groups who continued to block Ukrainian broadcasting, including through a ban of over 350 websites, and to restrict access to printed Ukrainian media. On both sides of the contact line, OHCHR observed intimidation of and attacks on media representatives and outlets, self-censorship among journalists and bloggers and worrying signs in the domain of access to public information and open data for the general population.[64]

46. The United Nations Educational, Scientific and Cultural Organization (UNESCO) urged Ukraine to investigate the killings of journalists and to report voluntarily on the status of judicial follow-up.[65]

47. OHCHR expressed concern about amendments voted by Parliament to the Law on Prevention of Corruption, which included several ambiguous provisions that could have a chilling effect on civic anti-corruption activities.[66]

48. OHCHR stated that, since the Maidan events, the number of bans of peaceful assemblies across Ukraine had steadily decreased. However, it noted that such restrictions were still used.[67] It reported an improvement in the policing and security provided for various anniversary and commemorative events throughout Ukraine.[68]

4. Prohibition of all forms of slavery[69]

49. The United Nations country team indicated that the Government had adopted regulatory acts to enforce existing anti-trafficking legislation. A national action plan for the period 2016-2020 had been adopted in February 2016, but the estimated costs had exceeded State budget funds. An anti-trafficking specialization for investigators and prosecutors had been introduced, but the effectiveness of investigations remained limited, notably due to the significant understaffing of the counter-trafficking department within the National Police.[70]

50. The team stressed that the armed conflict had increased the risk of trafficking in persons. It recommended, inter alia, that Ukraine address the challenges related to the growing number of cases of trafficking and exploitation among the conflict-affected population, including identification and referrals.[71]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[72]

51. The United Nations country team noted that, owing to inefficiencies and outdated methodologies, the employment and social benefits systems chronically underperformed and did not generate decent and sustainable work and living conditions.[73]

52. Several treaty bodies were concerned that young people, Roma, Crimean Tatars,[74] refugees and asylum seekers[75] and persons with disabilities[76] faced difficulties in gaining access to the labour market.

53. The Committee on Economic, Social and Cultural Rights was concerned about the persistent and significant pay gap between women and men, which stood on average at around 30 per cent.[77] The United Nations country team noted that the Labour Code did not ensure the application of the ILO treaty obligation of "equal pay for work of equal value".[78]

2. Right to social security

54. The Committee on Economic, Social and Cultural Rights commended Ukraine for establishing the concept of State social standards comprising the minimum wage, the minimum pension and the subsistence level and for regularly increasing the relevant amounts. However, it was concerned that such standards were still not sufficient to provide workers, unemployed persons and pensioners with a decent living for themselves and their families.[79]

55. OHCHR stated that at least 160,000 pensioners residing in territory controlled by armed groups had not received their pensions between December 2014 and December 2016 because they had not been registered as internally displaced persons. Those who had registered had been subjected to a cumbersome verification procedure.[80]

3. Right to an adequate standard of living[81]

56. The Committee on Economic, Social and Cultural Rights was concerned at the high poverty rates among the most disadvantaged and marginalized individuals and groups, including Roma and Crimean Tatars. It was further concerned that the poverty rate in rural areas was 1.7 times higher than in urban areas.[82]

57. The Committee remained concerned that the majority of Roma continued to live in substandard housing conditions without safe drinking water or sanitation facilities, electricity, heating, sewage, waste disposal or legal security of tenure.[83]

58. OHCHR stressed that the housing needs of the population affected by the conflict in eastern Ukraine were become increasingly acute and that the lack of a compensation mechanism for damaged or destroyed property remained one of the biggest concerns among that population.[84] Access to and quality of water in armed group-controlled territory in eastern Ukraine was also of great concern.[85]

4. Right to health[86]

59. The United Nations country team stated that Ukraine had continued its efforts to prevent and combat HIV/AIDS and, in 2016, had begun the process of reforming its national health system. The team recommended, inter alia, that Ukraine improve immunization coverage monitoring and ensure access to affordable, quality and timely health care and medical treatment for all segments of the population.[87]

60. While noting some progress made, the Committee on Economic, Social and Cultural Rights was concerned about the lasting high rates of child and maternal mortality and the prevalence of tuberculosis.[88]

61. The Committee on the Elimination of Discrimination against Women urged Ukraine to ensure that women victims of sexual violence were given access to comprehensive medical treatment, mental health care and psychological support provided by health professionals who were appropriately trained to detect sexual violence and treat its consequences.[89]

62. OHCHR observed that the essential elements of the right to health, such as availability, accessibility and quality of health care, were not always granted in the vicinity of the contact line,[90] notably in the case of internally displaced persons, as noted by the Special Rapporteur on the human rights of internally displaced persons.[91]

5. Right to education[92]

63. UNESCO reported that recent official information related to the right to education in Ukraine was quasi non-existent and encouraged the Government to render accessible updated information on the measures taken concerning the implementation of that right.[93]

64. The Committee on the Elimination of Discrimination against Women was concerned at the persistence of negative and patriarchal stereotypes of women and girls in school curricula and textbooks.[94]

65. The Committee on the Elimination of Racial Discrimination recommended that Ukraine strengthen its measures to improve access to education for Roma children.[95]

66. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of Persons with Disabilities were concerned about the segregation of Roma children and children with disabilities in education.[96]

67. The Committee on Economic, Social and Cultural Rights recommended that Ukraine take measures to further improve the situation of Crimean Tatars and ensure their de facto access to education.[97] The Committee on the Elimination of Racial Discrimination made a similar recommendation, adding that Ukraine should provide Crimean Tatar children with education in the Tatar language.[98]

68. The Special Rapporteur on internally displaced persons noted a number of challenges faced by internally displaced children in gaining access to education.[99]

D. Rights of specific persons or groups

1. Women[100]

69. The Committee on the Elimination of Discrimination against Women remained concerned at the persistence in political discourse, in the media and in society of deep-rooted patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family.[101]

70. The Committee remained concerned at the prevalence in Ukraine of violence against women, in particular domestic and sexual violence, which remained underreported. While noting that the bill on the ratification of the Istanbul Convention was undergoing a second reading in Parliament, it was concerned that domestic violence had not been criminalized and that there was no specific definition of gender-based violence in the domestic legislation. It recommended that Ukraine criminalize domestic violence; take comprehensive measures to prevent and address violence against women and girls and ensure that perpetrators were prosecuted and adequately punished; provide mandatory capacity-building programmes for judges, prosecutors, police officers and other law enforcement officials on the strict application of legislation criminalizing violence against women and on gender-sensitive procedures to deal with women victims of violence; provide adequate redress, assistance and protection to women victims of violence; and collect statistical data on domestic, sexual and other forms of violence against women, disaggregated by age and the relationship between the victim and the perpetrator.[102]

71. The Committee considered that the continuing armed conflict posed a challenge to the implementation of the Convention. It was concerned that there was evidence of many cases of sexual violence in the conflict-affected areas, not to mention those not reported.[103]

72. While welcoming efforts in the area, the Committee expressed concerned that women remained significantly underrepresented at the decision-making levels in Parliament, Government and the diplomatic service. It recommended, inter alia, that Ukraine adopt a global strategy based on targeted measures to ensure that women were appointed to decision-making positions at the national and local levels on an equal footing with their male counterparts.[104] The United Nations country team stated that amendments to the Law on Political Parties stipulating a 30 per cent quota for women on party lists had been adopted in 2013. However, no enforcement mechanism was in place.[105]

2. Children[106]

73. The United Nations country team reported that the Government had adopted a national plan of action on the implementation of the Convention of the Rights of the Child for the period 2017-2022, aiming to establish an effective child rights protection system at the local level and form a child-friendly environment based on international standards.[107]

74. The team noted that Ukrainian legislation did not define sexual exploitation or contain a specific definition of child pornography.[108]

75. While noting positively that the minimum age for marriage had been raised to 18 years for girls, the Committee on the Elimination of Discrimination against Women was concerned that the practice of marriage below 18 still persisted in Roma communities.[109]

76. The United Nations country team stressed that the armed conflict had created unprecedented challenges to the fulfilment of children's rights and had psychologically affected children and their caregivers. It recommended that Ukraine develop a specialized child monitoring system regarding the conflict in eastern Ukraine.[110]

3. Persons with disabilities[111]

77. The Committee the Rights of on Persons with Disabilities, while noting some positive measures taken in the area, expressed concern, inter alia, that the medical approach to disability was still predominant, owing to a lack of professional training on and understanding of the rights of persons with disabilities among public officials and professionals[112] and that the guardian of a person recognized as legally incapable was authorized to give consent to the sterilization of the person concerned without his or her free consent.[113] It was also concerned at reports that persons with disabilities, including children, had been abandoned and had been unable to be evacuated during the conflict in eastern Ukraine.[114]

4. Minorities and indigenous peoples[115]

78. The United Nations country team indicated that the Law on National Minorities (1992) had not been amended and, because of its vagueness and inconsistency, had led to legal uncertainty for persons belonging to national minorities with regard to the enjoyment of their rights in the areas of education, language or representation in elected bodies.[116]

79. The Special Rapporteur on minority issues recommended that Ukraine establish a consultative and advisory body on minority issues empowered to consider a wide range of matters of relevance to minorities and measures to address practically and prevent ethnic tensions from emerging. She also recommended that it consider having a dedicated ombudsperson or similar structure mandated to address minority issues and receive complaints from minorities.[117]

80. The Special Rapporteur highlighted that in the medium to long term, more robust responses from the Government were required to address Roma exclusion, marginalization and poverty.[118] The United Nations country team stated that, in October 2016, the Parliamentary Committee on Human Rights, National Minorities and Interethnic Relations had concluded that the Government had inadequately implemented the Strategy for the Protection and Integration of the Roma and its Action Plan.[119] The Committee on Economic, Social and Cultural Rights and the Human Rights Committee recommended that Ukraine simplify procedures and remove existing obstacles to ensure that all Roma were provided with personal documents, including birth certificates.[120] The Committee on the Elimination of Racial Discrimination was concerned at reports that some Roma had been unable to flee the conflict zones owing to a lack of identity documents and that some Roma who had fled those zones faced xenophobia and had been denied assistance.[121]

81. The Committee on the Elimination of Racial Discrimination recommended that Ukraine strengthen the measures aimed at ensuring favourable conditions for Crimean Tatars to preserve, develop and promote their identity, language and culture.[122]

5. Migrants, refugees, asylum seekers and internally displaced persons[123]

82. The United Nations country team stated that Ukraine had no State migration policy strategy. It added that irregular migrants were provided by law with free secondary legal aid, but often did not make use of it owing to the low level of information provided by detaining authorities and the absence of interpreters. Legislative changes had been adopted, introducing alternatives to detention for irregular migrants in the form of guarantees provided by legal entities, but were inapplicable owing to the absence of a regulatory mechanism. Aside from two reception centres, there was no government housing scheme for refugees and asylum seekers and no State social assistance had been provided to them.[124]

83. While noting that no cases of refoulement had been reported since 2013, the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Ukraine ensure effective protection from refoulement and improve asylum procedures, including by establishing a formalized border monitoring mechanism in cooperation with its office and civil society organizations.[125]

84. The United Nations country team reported that the conflict in the east and the situation in Crimea had led to the internal displacement of 1.6 million people. In addition to the heightened risk of sexual and gender-based violence, challenges faced by displaced persons included restricted freedom of movement and problems in gaining access to accommodation, documentation, rights, social benefits and pensions. It recommended, inter alia, that Ukraine develop a special simplified procedure for people who had lost their identification documents to obtain temporary travel and civil registration documents and delinking registration as an internally displaced person from all social entitlements not related to internal displacement.[126]

85. The Special Rapporteur on internally displaced persons welcomed the adoption in October 2014 of the Law on the Rights and Freedoms of Internally Displaced Persons, despite the fact that some revisions might be required to bring it fully into line with international standards.[127] He recommended, on the basis of the Law, that Ukraine prioritize a harmonized and coordinated registration process to be used regionally and nationally; that it clearly define responsibilities for issues related to displaced persons and support for them under the general leadership of a dedicated government body; and that it establish long-term planning and a national strategy to address the short-, medium- and long-term needs of internally displaced persons and the need for durable solutions.[128]

6. Stateless persons

86. UNHCR reported that a bill that would amend the existing national legislation on foreigners and stateless persons was being considered. While noting some proposed improvements, it recommended, inter alia, that Ukraine harmonize the definition of "a stateless person" with that of the 1954 Convention relating to the Status of Stateless Persons; and that it ensure the prompt adoption of the bill and implement by-laws that established a statelessness determination procedure in line with the Convention and international standards and best practices.[129]

E. Specific regions or territories

87. In December 2016, the General Assembly adopted resolution 71/205 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, in which it condemned the temporary occupation of Crimea.[130]

88. In the resolution, the General Assembly welcomed the reports of OHCHR and regional human rights mechanisms in which they had stated that violations and abuses of human rights had continued to take place in Crimea and had pointed to the sharp deterioration in the overall human rights situation.

89. Since 2014, OHCHR had recorded violations of human rights and international humanitarian law affecting people residing in the peninsula, including the silencing of dissenting voices through the initiation of repressive measures targeting mainly pro-Ukrainian activists and Crimean Tatars and their institutions; cases of disappearances and arbitrary arrests; cases of death and torture, cruel, inhuman or degrading treatment or punishment of detainees; forced transfers of protected persons from Crimea; non-respect of fair trial guarantees; violations of freedoms of expression, peaceful assembly, association and religion; attacks and intimidation of independent journalists, human rights defenders and religious communities; discrimination in relation to the right to work; the decline of Ukrainian as a language of instruction; and difficulties in gaining access to health services and social protection and in exercising the right to property.[131]

90. In paragraphs 2 and 4 of its resolution 71/205, the General Assembly urged international human rights monitoring missions and human rights non-governmental

organizations to be granted proper and unimpeded access to Crimea. OHCHR and a number of special procedure mandate holders made a similar recommendation.[132]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Ukraine will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/UAIndex.aspx.
[2] For relevant recommendations, see A/HRC/22/7, paras. 97.1-97.15, 97.20, 97.45 and 97.87.
[3] See E/C.12/UKR/CO/6, para. 29; CEDAW/C/UKR/CO/8, para. 55; and CERD/C/UKR/CO/22-23, para. 33.
[4] See CAT/C/UKR/CO/6, para. 25; and E/C.12/UKR/CO/6, para. 29.
[5] See CERD/C/UKR/CO/22-23, para. 33.
[6] See A/HRC/32/39/Add.1, para. 98.
[7] See CEDAW/C/UKR/CO/8, para. 29 (a); and country team submission, p. 9.
[8] Including contributions from the Office of the United Nations High Commissioner for Human Rights, IOM, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, United Nations Entity for Gender Equality and the Empowerment of Women and the Peace and Development Adviser.
[9] United Nations country team submission for the universal periodic review of Ukraine, p. 3.
[10] Ibid., p. 6.
[11] See OHCHR report dated 15 April 2014, para. 12. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[12] See OHCHR report dated 15 August 2015, paras. 159-161. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.asp.
[13] Country team submission, p. 4.
[14] See OHCHR report dated 3 March 2016, para. 168. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[15] For relevant recommendations, see A/HRC/22/7, paras. 97.17, 97.21 and 97.24.
[16] Country team submission, pp. 3 and 1.
[17] Ibid., p. 2.
[18] Ibid., pp. 12-13.
[19] See CAT/OP/UKR/3, paras. 15-16 and 18-21. See also A/HRC/32/39/Add.1, para. 106.
[20] See OHCHR report dated 3 Match 2016, para. 172.
[21] For relevant recommendations, see A/HRC/22/7, paras. 97.25-97.28, 97.30, 97.38, 97.44, 97.55-97.62, 97.64-97.74, 97.105, 97.107 and 97.125.
[22] See CERD/C/UKR/CO/22-23, para. 7.
[23] See CCPR/C/UKR/CO/7, para. 8. See also CCPR/C/UKR/CO/7/Add.1, para. 8.
[24] See CERD/C/UKR/CO/22-23, paras. 11-13; and CCPR/C/UKR/CO/7, para. 11. See also country team submission, p. 9-10.
[25] See CERD/C/UKR/CO/22-23, para. 13.
[26] Ibid., para. 17. See also CCPR/C/UKR/CO/7, para. 11; and country team submission, p. 10.
[27] Country team submission, pp. 9-10.
[28] See A/HRC/28/64/Add.1, para. 90.
[29] Country team submission, p. 9.
[30] For relevant recommendations, see A/HRC/22/7, paras. 97.131 and 97.132.
[31] See E/C.12/UKR/CO/6, para. 6.
[32] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21344&LangID=E.
[33] For relevant recommendations, see A/HRC/22/7, paras. 97.32-97.37, 97.51, 97.75, 97.93, 97.99-97.104, 97.108 and 97.110.
[34] Country team submission, p. 2.
[35] Ibid.
[36] See OHCHR report dated 16 February 2017, paras. 143-147. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[37] See OHCHR report dated 13 June 2017, para. 132. Available from http.www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[38] Country team submission, pp. 2-3.
[39] See A/HRC/32/39/Add.1, para. 99. See also A/HRC/32/39/Add.5.
[40] See A/HRC/32/39/Add.1, paras. 36-37. See also CAT/C/UKR/CO/6, para. 10; and OHCHR report dated 15 April 2014, pp. 13-15.
[41] See A/HRC/32/39/Add.1, para. 40. See also OHCHR report dated 15 June 2014, pp. 9-17, available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[42] See CAT/OP/UKR/3, paras. 24-25.

[43] See CAT/C/UKR/CO/6, paras. 7-8. See also CAT/C/UKR/CO/6/Add.1 and CAT/C/UKR/CO/6/Add.2.
[44] See CAT/OP/UKR/3, paras. 34-36.
[45] See CEDAW/C/UKR/CO/8, para. 15.
[46] See CAT/C/UKR/CO/6, paras. 19-20. See also CCPR/C/UKR/CO/7, para. 13.
[47] See CRPD/C/UKR/CO/1, para. 32.
[48] For relevant recommendations, see A/HRC/22/7, paras. 97.88-97.92, 97.94-97.98, 97.106, 97.109, 97.111-97.114, 97.117 and 97.123.
[49] Country team submission, p. 3.
[50] Ibid., p. 4.
[51] See CCPR/C/UKR/CO/7, para. 15; CAT/C/UKR/CO/6, para. 10; A/HRC/32/39/Add.1, para. 95; and A/HRC/33/43/Add.3, para. 100.
[52] See A/HRC/32/39/Add.1, para. 101.
[53] Country team submission, p. 3.
[54] See A/HRC/33/43/Add.3, para. 101.
[55] Country team submission, p. 4.
[56] Ibid. See also A/HRC/32/39/Add.1, para. 102; and CAT/OP/UKR/3, para. 10.
[57] Country team submission, p. 3. See also CAT/OP/UKR/3, para. 39; and CAT/C/UKR/CO/6, para. 10.
[58] See CAT/OP/UKR/3, paras. 43-78; and CAT/C/UKR/CO/6, para. 9.
[59] Country team submission, p. 8.
[60] Ibid., pp. 6-7. See also CAT/C/UKR/CO/6, para. 13.
[61] See CRPD/C/UKR/CO/1, para. 28.
[62] For relevant recommendations, see A/HRC/22/7, paras. 97.18-97.19, 97.50 and 97.118-97.124.
[63] Country team submission, p. 10.
[64] See OHCHR report dated 13 June 2017, paras. 104-105. See also A/HRC/32/39/Add.1, para. 51.
[65] UNESCO submission for the universal periodic review of Ukraine, p. 5.
[66] See OHCHR report dated 13 June 2017, para. 111.
[67] See OHCHR report dated 8 December 2016, para. 117. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[68] See OHCHR report dated 13 June 2017, para. 110.
[69] For relevant recommendations, see A/HRC/22/7, paras. 97.49 and 97.80-97.85.
[70] Country team submission, pp. 10-11.
[71] Ibid. See also CAT/C/UKR/CO/6, para. 15; and CCPR/C/UKR/CO/7, para. 16.
[72] For the relevant recommendation, see A/HRC/22/7/Add.1, para. 97.52.
[73] Country team submission, p. 12.
[74] See E/C.12/UKR/CO/6, para. 12.
[75] See CERD/C/UKR/CO/22-23, para. 25.
[76] See E/C.12/UKR/CO/6, para. 12; and CRPD/C/UKR/CO/1, para. 50.
[77] See E/C.12/UKR/CO/6, para. 11. See also CEDAW/C/UKR/CO/8, para. 36.
[78] Country team submission, p. 8.
[79] See E/C.12/UKR/CO/6, para. 15.
[80] See OHCHR report dated 13 June 2017, para. 117.
[81] For relevant recommendations, see A/HRC/22/7, paras. 97.47 and 97.48.
[82] See E/C.12/UKR/CO/6, para. 17.
[83] Ibid., para. 18.
[84] See OHCHR report dated 13 June 2017, paras. 127-128.
[85] Ibid., para. 116.
[86] For relevant recommendations, see A/HRC/22/7, paras. 97.23, 97.46 and 97.128-97.130.
[87] Country team submission, pp. 7 and 11-12.
[88] See E/C.12/UKR/CO/6, paras. 20-23.
[89] See CEDAW/C/UKR/CO/8, para. 15.
[90] See OHCHR report dated 13 June 2017, para. 137.
[91] See A/HRC/29/34/Add.3, para. 90.
[92] For relevant recommendations, see A/HRC/22/7, paras. 97.126-97.127.
[93] UNESCO submission, p. 5.
[94] See CEDAW/C/UKR/CO/8, para. 34.
[95] See CERD/C/UKR/CO/22-23, para. 22.
[96] See E/C.12/UKR/CO/6, para. 25; and CRPD/C/UKR/CO/1, para. 44.
[97] See E/C.12/UKR/CO/6, para. 9.
[98] See CERD/C/UKR/CO/22-23, para. 24.
[99] See A/HRC/29/34/Add.3, para. 90.
[100] For relevant recommendations, see A/HRC/22/7, paras. 97.31, 97.41, 97.52-97.54 and 97.76-97.78.
[101] See CEDAW/C/UKR/CO/8, para. 26.

[102] Ibid., paras. 28-29. See also CAT/C/UKR/CO/6, para. 14, and country team submission, p. 9.
[103] See CEDAW/C/UKR/CO/8, paras. 9 and 14.
[104] Ibid., paras. 32-33. See also country team submission, p. 9.
[105] Country team submission, p. 8. See also CEDAW/C/UKR/CO/8, para. 32.
[106] For relevant recommendations, see A/HRC/22/7, paras. 97.22, 97.29, 97.39-97.42, 97.79, 97.86 and 97.115-97.116.
[107] Country team submission, p. 7.
[108] Ibid., p. 6.
[109] See CEDAW/C/UKR/CO/8, para. 47.
[110] Country team submission, pp. 6-7.
[111] For relevant recommendations, see A/HRC/22/7, paras. 97.16, 97.43 and 97.133-97.135.
[112] See CRPD/C/UKR/CO/1, paras. 4 and 7.
[113] Ibid., paras. 34-35. See also CEDAW/C/UKR/CO/8, para. 44.
[114] See CRPD/C/UKR/CO/1, paras. 13 and 22.
[115] For relevant recommendations, see A/HRC/22/7, paras. 97.63 and 97.136-97.141.
[116] Country team submission, p. 9.
[117] See A/HRC/28/64/Add.1, para. 86.
[118] Ibid., para. 95.
[119] Country team submission, p. 10.
[120] See E/C.12/UKR/CO/6, para. 8, and CCPR/C/UKR/CO/7, para. 12.
[121] See CERD/C/UKR/CO/22-23, para. 19.
[122] Ibid., para. 24. See also E/C.12/UKR/CO/6, para. 27.
[123] For relevant recommendations, see A/HRC/22/7, paras. 97.142-97.145.
[124] Country team submission, pp. 4-5.
[125] UNHCR submission for the universal periodic review of Ukraine, p. 2. See also CERD/C/UKR/CO/22-23, para. 25, and CAT/C/UKR/CO/6, para. 17.
[126] Country team submission, p. 5. See also CEDAW/C/UKR/CO/8, para. 16.
[127] See A/HCR/29/34/Add.3, para. 80.
[128] Ibid., para. 85. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20472&LangID=E.
[129] UNHCR submission, pp. 2-3.
[130] See also General Assembly resolution 68/262.
[131] See OHCHR reports dated 15 April 2014, paras. 80-92; 15 May 2014, paras. 117-154; 15 June 2014, paras. 283-326; 15 July 2014, paras. 184-195; 29 August 2014, paras. 159-171; 19 September 2014, paras. 184-195; 8 October 2014, paras. 207-240; 15 December 2014, paras. 79-85; 15 February 2015, paras. 92-103; 1 June 2015, paras. 156-171; 15 August 2015, paras. 143-160; 9 December 2015, paras. 143-160; 3 March 2016, paras. 183-200; 25 May 2016, para. 58; 3 June 2016, paras. 178-202; 15 September 2016, paras. 153-183; 8 December 2016, paras. 155-181; 16 February 2017, paras. 108-111; 15 March 2017, paras. 125-145; and 13 June 2017, paras. 140-174. All available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[132] See OHCHR report dated 15 June 2014, para. 331 (w), recommendation reiterated in all subsequent OHCHR reports. See also A/HRC/28/64/Add.1, para. 76; and A/HRC/32/39/Add.1, para. 109.

United Nations A/HRC/WG.6/28/UKR/3

General Assembly

Distr.: General
31 August 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-eighth session
6 –17 November 2017

Summary of Stakeholders' submissions on Ukraine*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 37 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Ombudsperson noted that the recommendations regarding the need to adopt an anti-discrimination legislation had been generally implemented. In 2012, Parliament adopted the Law of Ukraine on the Principles of Prevention and Combating Discrimination in Ukraine. However, it required further improvement and harmonization with international standards, in particular with respect to the list of prohibited grounds.[2] In this regard, a draft Law on "amendments to some legislative acts" was being prepared for a second reading in Parliament. In addition, the inclusion of separate sections on prevention and combating discrimination in the National Human Rights Strategy and the Action plan for its implementation for the period up to 2020 showed greater attention to discrimination issues.[3]

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3. All draft laws which relate to prohibition of the so-called homosexuality propaganda had been revoked, disapproved or excluded from consideration by Parliament.[4]

4. Between November 2012 and December 2016, the Ombudsperson, in her capacity as National Preventive Mechanism, conducted 1,108 monitoring visits to places of detention, and made relevant recommendations to the authorities concerned. She recommended that the Ministry of Health should be made competent to deal with the issue of access to medical care to detainees.[5]

5. The recommendations on the necessity of ratification of the Council of Europe (CoE) Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), improvement of legislation on combating domestic violence and issues of ensuring equal rights and opportunities for women and men had not been fully implemented. The level of representation of women in political life remained low. In addition, inequality of income between women and men remained a problem.[6]

6. The recommendations pertaining to the right to health were reflected in the Action plan for the implementation of the National human rights strategy for the period up to 2020. However, actions by the Ministry of Health in this regard had been insufficient. A number of issues had remained without due attention, including implementing the compulsory state medical social insurance of the population; and ensuring an adequate level of access to primary medical assistance, especially in rural areas.[7]

7. The reduction in funding of education and science in previous years had jeopardized the provision of quality and accessible educational services. Difficult economic environment due to the armed conflict had negatively impacted on the enjoyment of the right to education in the languages of the national minorities, which was guaranteed by law.[8]

8. The recommendations which aimed at the effective implementation of the National Action Plan for the implementation of the UN Convention on the Rights of the Child had not been fully implemented due to the untimely approval of the plan. In addition, the situation with the victimization of children had remained extremely difficult in Ukraine.[9]

9. Regarding juvenile justice, there was a need to refine the governmental Action Plan for the implementation of the concept for the development of criminal justice for minors in Ukraine to improve the prevention of juvenile crimes, implement effective legal proceedings for juvenile offenders, establish an effective rehabilitation system for juvenile offenders, and protect children who had been victims or witnesses of a crime.[10]

10. Regarding persons with disabilities, several legislative and regulatory acts in the areas of education, healthcare, employment, rehabilitation, accessibility, transport and information had been adopted, but these had not been implemented for several reasons, including due to insufficient funding. The Action plan on implementation of the National Human Rights Strategy took into account provisions of the Convention on the Rights of Persons with Disabilities (CRPD).[11]

11. Despite the adoption of a dedicated action plan and strategy, Roma remained one of the most vulnerable social groups, facing restricted access to education, medicine, social services, issuance of documents, employment and exposed to systematic stigmatization and discrimination.[12]

12. Legislation on the status of stateless persons was yet to be adopted. The situation of stateless persons was a widespread problem which needed to be urgently addressed.[13]

13. The Ombudsperson also reported on issues that were not raised during the previous review. Regarding the situation of internally displaced persons, the Government needed to undertake as a priority measures for establishing mechanisms aimed at realizing rights of all

citizens of Ukraine – especially rights to social protection, provision of pensions, and participation in local elections – irrespective of their place of residence, including internally displaced persons and persons living in the Donetsk and Luhansk regions.[14]

14. The Ombudsperson stated that she was mandated to monitor the respect of the rights to personal data protection and access to public information, but she was not in a position to fulfil this mandate. She recommended establishing instead an independent information commissioner on this issue vested with adequate powers.[15]

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[16]

15. Several stakeholders recommended that Ukraine ratify the Istanbul Convention[17], the European Convention on the Compensation of Victims of Violent Crimes[18], and the Convention on Cluster Munitions.[19]

16. Cultural Survival (CS) recommended that Ukraine take specific steps to implement the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, endorsed in May 2014, into domestic legislation.[20]

17. Human Rights Watch (HRW) stated that while yet not a member of the International Criminal Court, Ukraine had accepted in 2014 the Court's jurisdiction over alleged crimes committed on its territory since 21 November 2013. It noted that Parliament recently adopted a constitutional amendment package that would permit ratification of the Rome Statute, but included a transitional provision that delayed the relevant amendment from taking effect before 2019.[21]

B. National human rights framework

18. Following the deployment of an Election Observation Mission for the 2015 local election, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) recommended, inter alia, undertaking a comprehensive review of the Law on local elections to allow independent candidates to run at all levels of local councils, establishing deadlines and clear grounds for the replacement of election commission members, and introducing effective and proportional sanctions for all violations of the election laws.[22]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[23]

19. JS5 stressed that Roma, along with other groups, were systematically discriminated against in Ukraine, at different levels, and on various grounds. It recommended taking all necessary steps to address historical and structural discrimination against the Roma community.[24]

20. Several stakeholders, while noting that the amendments to the anti-discrimination legislation in 2014 had brought several improvements, expressed concern that the list of protected grounds did not explicitly mention sexual orientation or gender identity.[36]

21. OHCHR stated that hate crimes recorded by police (157 incidents in 2015, with 79 prosecuted and 3 sentenced cases) were disaggregated by bias motivation, but Ukraine had not reported on cases of hate crimes separately from cases of hate speech and/or discrimination.[37]

22. Several submissions indicated that there was no specific law on hate crimes in Ukrainian legislation, and that Article 161 of the Criminal Code on "violation of citizens' equality based on their race, nationality or religion" limited the grounds for complaint to this list. It was consequently not possible to invoke this article for hate crimes based on sexual orientation or and gender identity.[38] JS3 noted that lesbians and female bisexual and transgender persons were twice more vulnerable to hate crime as they belonged to both Lesbian, Gay, Bisexual and Transgender (LGBT) persons and women categories.[39]

23. JS3 recommended amending several articles of the Criminal Code of Ukraine to ensure punishment for crimes motivated by homophobia.[40] The Nash Mir Center (NMC) recommended including homophobic motivation as an aggravating circumstance.[41]

24. IGLYA noted some progressive policies supporting LGBT persons. However, it stated that anti-LGBT sentiment remained strong among State officials and the public, as exemplified by attacks against LGBT events.[42] It recommended ensuring that LGBT people and activists were protected from homophobic and transphobic violence and harassment.[43] LGBT Association "Insight" (LBA) recommended including topics of hate crimes on the grounds of sexual orientation and gender identity into educational programs for police officers.[44] NMC recommended establishing a channel of communication between the police and the local communities, particularly the LGBT community.[45] LBA recommended developing and launching a governmental program to promote tolerance towards LGBT people at the national level.[46]

Development, the environment, and business and human rights[47]

25. OHCHR welcomed the draft laws which sought to create an independent and effective anti-corruption agency in Ukraine. It recommended, inter alia, improving these in the area of operational independence and the appointment, suspension and dismissal procedures for the Director, and the protection of staff from civil, administrative and criminal proceedings that might, intentionally or unintentionally, unduly hinder the work of the agency.[48]

26. JS7 recommended assessing and rectifying the negative effects of the International Monetary Fund's conditionalities on the most vulnerable sectors of population, and recognizing that austerity measures impact men and women differently.[49]

27. NGO Law State (NLS) raised concerns about the adequacy of the legislation protecting the rights of depositors and borrowers vis-à-vis banks in the process of liquidation.[50]

28. JS10 reported on a number of environment-related challenges, including undue restrictions to access to environment-related information, non-respect of the requirements under the international climate change framework, and the detrimental impact of the conflict on the environment.[51]

2. Civil and Political Rights

Right to life, liberty and security of person

29. Several submissions expressed serious concern about human rights violations and abuses committed in the context of the armed conflict in eastern Ukraine. These included cases of summary and extra-judicial executions; the use of indiscriminate weapons against inhabited areas and civilian health care facilities; the use of cluster bombs, landmines and booby traps; the use of civilian facilities to place military equipment and armed individuals; cases of torture or various forms of ill-treatment on either side of the contact line; various forms of sexual violence; incommunicado detention and/or in unacknowledged places of detention for certain periods on government-controlled territory; detention in various locations, including the basements of buildings used by armed groups or entities performing security-related functions; enforced disappearances; recruitment of children into armed groups; undue restrictions to freedom of movement across the contact line; and hampered access to humanitarian assistance.[47]

30. Several stakeholders recommended all parties to the conflict to put an end to the hostilities and violence; seek a peaceful solution on the basis of the Minsk Agreements; respect the provisions of international humanitarian law at all times; release all persons arbitrarily deprived of liberty and grant unimpeded access to them; and remove all barriers impeding the access of humanitarian aid. They recommended the Ukrainian authorities to, inter alia, eradicate ill-treatment from the law-enforcement system; further strengthen the National Preventive Mechanism; increase transparency and public oversight over the prison system; co-operate with various non-governmental organizations in order to ensure the effective provision of holistic rehabilitation services to victims; revise the regulatory framework related to freedom of movement and ensure that the applicable restrictions are proportionate to the aim pursued; organize effective data collection and recording of sexual violence related to the conflict and in relation to children who have been recruited or used in combat; ensure development and implementation of a specialized program for law enforcement officials on combating and preventing sexual and gender-based violence related to the conflict; introduce amendments to the Criminal Code criminalizing recruitment and involvement of children in military action and militarized groups, and establishing criminal liability for enforced disappearance; and establish an independent mechanism for the search of missing persons.[48]

31. CoE indicated that the main cases pending execution before the Committee of Ministers under the enhanced procedure related, inter alia, to torture and/or ill-treatment by the police, mostly in order to obtain confessions, and lack of effective investigations into complaints; failure to protect a journalist threatened to life and eventually killed; and poor material conditions of detention and transportation and lack of adequate medical treatment in pre-trial detention, prisons, and police establishments.[49]

32. JS17 noted that there were reported cases of violence and abuse in juvenile detentions, and that physical violence, psychological pressure and threats were common during investigation to obtain testimonies.[50]

Administration of justice, including impunity and the rule of law[51]

33. Several stakeholders highlighted the importance of fighting impunity for conflict-related violations in eastern Ukraine.[52] The CoE Commissioner for Human rights stressed that justice was a prerequisite to genuine reconciliation in a society affected by conflict, and establishing and recognizing the truth about serious human rights violations was an important component of any reconciliation process. He took note of a number of significant shortcomings as regards the investigations into such abuses; moreover, there were many

cases where information indicative of a serious violation did not even trigger an investigation.[49]

34. HRW mentioned that the authorities had made some progress towards accountability for abuses during the 2014 Maidan protests. As for the 2014 political violence in Odesa, trials continued, marked by court proceeding disrupted by 'pro-unity' activists.[50] Accountability for such violations was also of concern to JS6 and the Information Group on Crimes against the Person (IGCP).[51]

35. The CoE Commissioner for Human Rights stated that the ongoing reforms in the judiciary should aim at strengthening judicial independence and shielding judges from any undue interference and influence. Judicial, prosecutorial and investigating authorities should be provided with all the necessary means, including adequate resources, to be able to perform their duties effectively.[52]

36. CoE added the following main cases pending execution before the Committee of Ministers under the enhanced procedure: failure to carry out effective investigations into crimes, involving deaths of Roma-origin persons, and into possible causal link between the racist attitudes and the crimes committed; unlawful and/or lengthy detention on remand; violation of the right of silence and not to incriminate oneself; unfair criminal proceedings; excessive length of criminal and civil proceedings; and excessive delays of the judicial decisions.[53]

37. JS9 stated that the new criminal code of procedure expanded the safeguards for detainees and introduced alternative preventive measures, such as house arrest and bail. However, it contains a number of shortcomings, including the possibility of automatic prolongation of pre-trial detention.[54]

38. JS13 mentioned economic barriers in accessing justice imposed by the 2012 Law on "court fee".[55] Lawyers for Lawyers (L4L) stated that there was no effective access to legal assistance.[56] JS15 observed limitations on women's access to justice, as well as discrimination on the part of law enforcement officials and judges, improper legal assistance and unpreparedness of the legal system to respond to cases of sexual and gender-based violence, resulting in impunity for the perpetrators.[57]

39. L4L raised concerns about the lack of effective guarantees for the functioning of lawyers. It recommended, inter alia, providing lawyers with all the facilities, rights and privileges necessary for discharging their functions, and taking all necessary measures to prevent that lawyers are threatened, intimidated, harassed or subjected to improper interference while exercising their professional duties, and to effectively investigate all violations against lawyers and hold the perpetrators accountable.[58]

40. JS17 stressed that a juvenile justice system was yet to be established.[59]

Fundamental freedoms and the right to participate in public and political life[60]

41. The Ukrainian Orthodox Church (UOC) expressed concern regarding draft laws 4128, 4511, 5309 and 1244 amending the Law on freedom of conscience and religious organizations as it deemed them violating the rights of believers and potentially threatening inter-religious peace in Ukraine. UOC also raised concern about the unlawful seizure by the authorities of several of its churches and property.[61] NGO Public Advocacy (NPA) shared similar concerns, and mentioned in addition instances of hate speech and incitement of violence against UOC members.[62] IGCP and the World Russian People's Council (WRPC) mentioned acts of persecution against the clergy and believers of the Ukrainian Orthodox Church of the Moscow Patriarchate.[63] ADF International (ADFI) stated that there had been attacks on parishes and religious communities of each side of the conflict in Eastern Ukraine.[64]

42. The European Association of Jehovah's Christian Witnesses (EAJCW) mentioned that from 2014 to 2016, 115 incidents of religiously motivated violence against Jehovah's Witnesses had occurred, and only eight perpetrators were convicted by court. In addition, Jehovah's Witnesses had faced significant interference by State officials when building their houses of worship.[65]

43. The Institute for Religious Freedom (IRF) referred to instances of religious persecution in eastern Ukraine committed by armed groups, including acts of torture and killings of religious activists and believers and the seizing of places of worship and other facilities, some of which were used by armed groups as firing positions.[66]

44. JS6, JS11, HRW and the Institute of Mass Information (IMI) reported on physical attacks against journalists, including several killings, since the last review.[67] IMI noted that, despite recent progress made, only 15% of attacks had been investigated.[68] JS11 mentioned instances of torture, ill-treatment, threats and detention of journalists committed by armed groups in eastern Ukraine.[69]

45. While noting positive developments, JS11 mentioned persistent problems with the media landscape. It recommended amending the Law on "the reform of state-owned and communal print media" and the Law on "public service broadcasting of Ukraine" to ensure reforms of state-owned media are implemented in line with international standards, guaranteeing that the Ukrainian population have access to independent, public service print and broadcast media.[70]

46. While acknowledging the security threats faced by Ukraine, JS11 noted that efforts by the Ukrainian authorities to tackle 'propaganda' from a third country might unduly restrict freedom of expression. As of March 2017, 15 TV channels from a third country were blocked from broadcasting on cable within Ukraine, raising concerns about censorship, in particular the necessity and proportionality of these measures.[71] HRW noted that in May 2016, Ukrainian authorities had banned 17 journalists from a third country and media executives from entering Ukraine.[72] IGCP referred to a number of journalists critical of the Ukrainian authorities who were forced to leave the country.[73]

47. Front Line Defenders (FLD) listed cases of human rights defenders who had been physically attacked and/or harassed since 2012 because of their work in denouncing corruption, documenting human rights violations committed by security forces or promoting LGBT rights.[74] It recommended guaranteeing in all circumstances that all human rights defenders in Ukraine are able to carry out their legitimate human rights activities without fear of reprisals and free of all undue restrictions.[75] JS6 stated that abduction, torture and extrajudicial executions aimed at pro-Ukrainian activists had become widespread practice in parts of eastern Ukraine.[76]

48. While noting a prevailing favourable environment for the creation and activities of associations, JS6 expressed concern about the recent introduction of new laws requiring NGO staff to submit asset declarations, which could be used to silence anti-corruption advocacy by civil society.[77]

49. JS6 was particularly concerned by the impact of the armed conflict on journalists, civil society organisations and human rights defenders. It stated that in areas controlled by armed groups, civil society organizations had been targeted and forced to leave, including organizations undertaking primarily humanitarian work.[78]

50. ODIHR mentioned the joint OSCE/ODIHR-Venice Commission opinion on two draft laws on guarantees for freedom of peaceful assembly in Ukraine, which noted that both bills constituted a genuine attempt to fill the legislative lacuna in this area, and emphasized these should be seen as a step towards adopting a specific law in this area.

though further improvements were required.[79] JS6 and FLD mentioned sharp criticisms from civil society about these bills.[80]

51. NMC, while noting some positive developments, stated that the realisation of the right to peaceful assembly for LGBT people in Ukraine totally depended on the readiness of the local authorities and police to ensure security of those events.[81] JS6, LIGA and FLD mentioned several cases where LGBT rallies had either been challenged by local authorities before courts, or attacked by radical groups.[82]

Prohibition of all forms of slavery[83]

52. JS17 noted that the national legislation on sexual exploitation was not harmonized with the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ratified in 2012.[84]

53. JS1 recommended, inter alia, ensuring sufficient funds for the implementation of the State Anti-Trafficking Programme and counter-trafficking initiatives in general; introducing specialization for investigators and prosecutors on trafficking in persons-related issues; and supporting cooperation between law enforcement official and non-governmental organizations working on this issue, in particular to provide timely and efficient assistance to victims.[85]

Right to privacy and family life

54. LIGA recommended developing and adopting legislation to establish an officially recognized form of same-sex unions and provide same-sex partners with essential marital rights and obligations[86], while ADF expressed its opposition to same-sex marriage.[87]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[88]

55. The CoE noted that the European Committee of Social Rights, tasked with monitoring Ukraine's compliance with the European Social Charter, had concluded in 2016 that policy efforts had been inadequate in combatting unemployment and promoting job creation.[89]

56. JS12 stated that the level of women's access to the labour market was significantly decreasing, the women's unemployment rate and number of women in the shadow economy and informal labour market was growing, and the problem of equal pay between women and men for equal work was not recognized.[90] JS10 and JS15 reported that women were banned from working in over 450 types of professions.[91] JS15 highlighted employment-related challenges faced by women in rural areas.[92]

57. JS15 noted that Parliament voted for the inclusion of sexual orientation and gender identity to the list of protected grounds into the Labour Code. However, Parliament was working on a new version of the Labour Code which did not contain sexual orientation and gender identity among the list of protected grounds. It added that there were no clear mechanisms for filing complaints about discrimination in employment.[93]

Right to social security

58. The CoE Commissioner for Human Rights recommended that the authorities develop and implement a separate procedure enabling those persons who permanently reside on the territories outside Government control to have access to their pensions and other social entitlements.[94]

Right to an adequate standard of living[95]

59. The European Committee of Social Rights concluded in 2015 that it had not been established that the supervision of housing standards was adequate, nor that measures were taken by public authorities to improve the substandard housing conditions of Roma.[96]

60. JS7 stated that poverty risks were increasing among rural population and residents of small settlements with poorly developed labour markets and lower incomes of employment.[97]

Right to health[98]

61. The European Committee of Social Rights concluded in 2013 that there was a prevailing high infant and maternal mortality rates.[99]

62. JS17 referred to a lack of budgetary funding of the health care sector, in particular regarding the treatment of orphan childhood diseases.[100]

63. JS17 stated that HIV prevention projects among street children had since 2015 not been supported by neither national, nor local budgets.[101] LIGA noted that transgender people were not recognized in Ukraine as a key population when responding to HIV, and stated that their rights required special protection.[102]

Right to education[103]

64. JS8 stated there had been no qualitative change in the realization of the right to education since the last review due to the lack of systemic nature of the reforms undertaken. The situation remained difficult for many Roma children and children with disabilities.[104] The Catholic International Education Office (OIEC) noted that budgetary funds allocated for the public education system, while significant, were not sufficient.[105] JS7 stated that spending cuts in the educational sector had led to the closing of several educational facilities.[106]

65. HRW expressed concern about the use of schools in the armed conflict, which forced many children out of school and hundreds of schools to stop operating or to operate under overcrowded and difficult conditions.[107] JS8 stated that the authorities tried to respond adequately to the educational challenges linked to the conflict, and expressed concern regarding access to children located in the conflict-affected regions.[108]

4. Rights of specific persons or groups

Women[109]

66. JS7 stated that the mortality rate of women in rural areas was much higher than in urban areas.[110]

67. JS4 stated that the Family Code contained provisions that discriminated against women, and reported widespread stereotypes among the general public about women.[111]

68. JS4 reported that Ukraine still did not have a specific crime of domestic violence, though noting that a proposed package of laws to address violence against women, including a new domestic violence law, passed the first hearing in 2016 in Parliament. However, the legislative package was returned to the Working Group because it contained references to gender and sexual orientation.[112] JS4 added that the ongoing conflict in eastern Ukraine had exacerbated the problem of domestic violence.[113] JS15 stated that it was difficult to collect data on sexual and gender-based violence associated with the on-going conflict.[114]

69. JS4 noted that Ukraine fell short of complying with international standards on victim services, and there were no centres for victims of rape, sexual assault, domestic violence or trafficking. It recommended mandating ongoing and regular training on domestic violence and best practices responses, in consultation with or led by NGOs that served victims of domestic violence, and providing adequate funding and support to shelters.[115]

70. JS15 referred to the minimum quota of 30% of female candidates on political parties' list introduced in 2015 in the law on political parties and the electoral law, but noted that these norms were simply declaratory.[116]

Children[117]

71. JS17 stated that some recommendations made under the previous cycle were partly addressed, such as exploring opportunities to expand measures to counter discrimination against children; intensifying efforts to prevent violence against children; and considering promotion of types of punishment other than prison.[118]

72. JS17 indicated that the legislative framework for institutions and services in support of for children had improved, though no mechanisms for implementing the changes had been introduced. Children without parental care belonged to the most vulnerable category.[119]

73. JS17 noted that most of the children who were not legally registered were those staying in disadvantaged families, in particular Roma families and families whose members were stateless.[120]

74. JS17 recommended adopting a specific law on child rights aiming at protecting all categories of children in the territory of Ukraine and/or under its jurisdiction.[121] JS1 stated that child pornography was yet to be defined in national legislation.[122]

75. JS17 expressed concern about the dire impact of the conflict on children. One pressing problem was preventing deaths and injuries of children due to explosive devices. Other relevant issues included obtaining documents, and access to health care and education. JS17 referred to cases of illegal transfer of children under care of Ukraine to a third country.[123]

Persons with disabilities[124]

76. JS3 reported problems of accessibility of court buildings for persons with disabilities.[125]

77. JS17 stated that problems of timely detection of disability and timely provision of medical and social services for children remained.[126]

78. JS10 recommended, inter alia, providing training on disability issues for civil servants to understand the rights of persons with disabilities set forth in the CRPD, and providing a comprehensive legislative and programmatic framework for inclusive education for persons with disabilities.[127]

Minorities and indigenous peoples[128]

79. ODIHR identified a lack of personal documents, difficulties in accessing quality education and employment, inadequate housing conditions and misconduct by the police as the main challenges facing Roma in Ukraine. It pointed out to the particularly vulnerable situation of displaced Roma who faced problems in accessing shelter, medical and social services and education due to the lack of civil registration documents and negative attitudes of the receiving community. It also noted multiple forms of discrimination faced by Roma women.[129]

80. ODIHR expressed concern over the mob violence in 2016 against Roma community in the village of Loshchynivka, and the subsequent eviction of Roma families from the village. ODIHR called on Ukrainian authorities to speak up against anti-Roma rhetoric and violence, immediately address inter-ethnic tension and restore respect for the rule of law in order to prevent further spread of anti-Roma sentiments in the country.[130]

81. CS noted that in February 2016, Ukraine officially recognized Crimean Tatars as indigenous peoples.[131]

Migrants, refugees and asylum seekers and internally displaced persons[132]

82. While noting some legislative improvements, JS10 listed a number of issues in relation to the principle of non-*refoulement* pertaining to access to the Ukrainian territory, legislative gaps in the refugee status determination leading to a low recognition rate, and documentation of, asylum seekers.[133]

83. JS9 referred to a lack of interpretation available when reviewing the status of a refugee or an asylum seeker.[134]

84. JS14 listed a number of challenges faced by internally displaced persons, which related, inter alia, to the protection of housing, land and property rights, access to medical services, employment and education, and exercise of civil and political rights, including recognition before the law.[135] The CoE Commissioner for Human Rights stated that the regulatory framework related to internally displaced persons should be reviewed and amended in order to de-link the payment of pensions and other entitlements from a person's IDP status.[136]

85. JS14 stated that there was no plan for evacuation, nor resettlement program, which took into account the need of internally displaced persons with disabilities.[137]

Stateless persons

86. JS5 raised several concerns regarding the situation of stateless persons in Ukraine in relation to children acquiring nationality, the identification of stateless persons, the detention of stateless persons, and Roma statelessness in Ukraine. It recommended, inter alia, ensuring that the draft law which aimed to introduce a statelessness determination procedure in Ukraine is brought into compliance with international standards and UNHCR Guidance, and enacted as a matter of priority.[138]

5. Specific regions or territories

87. Several submissions expressed serious concern over the enjoyment of civil, political, economic, social and cultural rights in Crimea under temporary occupation since 2014[139], including in relation to the repeated harassment of Crimean Tatars, human rights defenders, lawyers, journalists, and bloggers; the targeted blocking of websites; the banning of the Mejlis, the Crimean Tatar's elected representative body, deemed an "extremist organization"; the denial of registration of over 330 non-governmental organizations which had been forced to re-register; the denial of permission to conduct public demonstrations in support of the rights of the Crimean Tatars; and the formal discrimination by limitation of some Crimean residents' access to services, education, and employment.[140] Several submissions recommended granting access for human rights defenders and international monitors to Crimea.[141]

88. At the same time, JS11 and JS16 recommended that the Ukrainian authorities simplify the access of foreign monitors to Crimea, including journalists, lawyers, human rights defenders, and modify Cabinet of Ministers' Decree no. 367 regulating entry and exit from Crimea.[142] JS16 further recommended, inter alia, that such authorities simplify the

access of Ukrainian citizens to and from Crimea and ensuring their property rights by modifying Decree No. 1035 regulating crossing the administrative border.[143] It also noted that Ukraine's laws on "ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine", on "the creation of the free economic zone 'Crimea' and on the peculiarities of economic activity in the temporarily occupied territory of Ukraine", and on "ensuring the rights and freedoms for internally displaced persons" contained a number of discriminatory provisions, recommending their removal.[144]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

ADFI	ADF International, Geneva (Switzerland);
CS	Cultural Survival, Cambridge, MA (the United States of America);
EAJCW	The European Association of Jehovah's Christian Witnesses, Kraainem (Belgium);
FLD	Front Line Defenders, Blackrock, Dublin (Ireland);
HRW	Human Rights Watch, Geneva (Switzerland);
IGCP	Information Group on Crimes against the Person, Moscow (the Russian Federation);
IMI	Institute of Mass Information, Kyiv (Ukraine);
IRF	Institute for Religious Freedom, Kyiv (Ukraine);
KHPG	Kharkiv Human Rights Protection Group, Kharkiv (Ukraine);
L4L	Lawyers for Lawyers, Amsterdam (the Netherlands);
LIGA	LGBT Association 'LIGA', Mykolaiv (Ukraine);
NMC	Nash Mir Center, Kyiv (Ukraine);
NLS	NGO Law State, Kyiv (Ukraine);
NPA	NGO Public Advocacy, Kyiv (Ukraine);
OIEC	Catholic International Education Office, Brussels (Belgium);
UOC	Ukrainian Orthodox Church, Kyiv (Ukraine);
WRPC	World Russian People's Council, Moscow (the Russian Federation).

Joint submissions:

JS1	**Joint submission 1 submitted by:** La Strada International, Amersfoort (the Netherlands); CSO La Strada, Democracy Development Centre;
JS2	**Joint submission 2 submitted by:** Justice for Peace in Donbas, Kyiv (Ukraine); Eastern-Ukrainian Centre for Civic Initiatives; Vostok SOS; Luhansk Regional Human Rights Centre 'Alternatyva'; Mirny bereg;
JS3	**Joint Submission 3 submitted by:** Coalition against discrimination consisting of more than 50 NGOs all-over Ukraine, Kyiv (Ukraine);
JS4	**Joint submission 4 submitted by:** The Advocates for Human Rights, Minneapolis (the United States of America); Centre Women's Perspectives;
JS5	**Joint submission 5 submitted by:** Institute on Statelessness and Inclusion, Eindhoven (the Netherlands); DESYATE KVITNYA; R2P; European Network on Statelessness;

European Roma Rights Centre;

JS6 **Joint submission 6 submitted by:** CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); Centre for Civil Liberties; DeJuRe Foundation;

JS7 **Joint submission 7 submitted by:** Women's International League for Peace and Freedom, Geneva (Switzerland); Centre for Social and Labour Research; East Donbas Regional Development Agency; Theatre for Dialogue; Gender Dnipro; Centre of the Future; Child Smile; the Alternative Youth Centre;

JS8 **Joint submission 8 submitted by:** Educational Human Rights House Chernihiv, Kolychivka (Ukraine); Educational Human Rights House Chernihiv; NGO Almenda; Postup; Ukrainian Helsinki Human Rights Union; MART;

JS9 **Joint submission 9 submitted by:** Coalition against Tortures, Kyiv (Ukraine); Magnolia Centre for Legal and Political Research SIM; Chortkiv Civil Organisation Environmental Humanitarian Association Green World; Kharkiv Human Rights Protection Group; Kharkiv Institute for Social Research; Kherson Charity organisation Charity and Health Fund; Forpost; Sich; Teritoriya Uspihu; Odessa Regional Organisation of All-Ukrainian Committee of Voters of Ukraine; Ukrainian Helsinki Human Rights Union;

JS10 **Joint submission 10 submitted by:** Ukrainian Helsinki Human Rights Union, Kyiv (Ukraine); Centre of Law Enforcement Activities Research; Ukrainian Coalition for Legal Aid; Green World Environmental Humanitarian Organization; Environmental-People-Law International Charitable Organization; Territory of Success; Rights to Protection CF; Ukrainian National Assembly of People with Disabilities; All-Ukrainian Civic Association Coalition for the Rights of Persons with Disabilities in the Results of intellectual impairments;

JS11 **Joint submission 11 submitted by:** ARTICLE 19, London (the United Kingdom of Great Britain and Northern Ireland); Centre for Democracy and Rule of Law; Anti-corruption Research and Education Centre; Human Rights Information Centre; Human Rights Platform; Regional Press Development Institute;

JS12 **Joint submission 12 submitted by:** Kyiv Gender Studies Institute, Kyiv (Ukraine); Bureau of Social and Political Developments; Labour Initiatives; Confederation of Free Trade Unions of Ukraine;

JS13 **Joint submission 13 submitted by:** Autonomous Advocacy; Ukrainian Council of Freethinkers and Believers; Institute of Open Religion;

JS14 **Joint submission 14 submitted by:** Charity Foundation Right to Protection; Charitable Foundation East-SOS; Donbas-SOS; CrimeaSOS; Luhansk Regional Women's Legal Defense; Public organization Chaika; Public holding Group of Influence; Human Rights Organization of Women-migrants Will to Live; Institute for Social and Economic Research; Coalition of civic organizations of internally displaced persons Indivisible Ukraine; Norwegian Refugee Council; Ukrainian Helsinki Human Rights Union;

JS15 **Joint submission 15 submitted by:** Gender Strategic

	Platform, Kyiv (Ukraine); Civil Organisation La Strada-Ukraine; Women's Information Consultative Centre; Public Organization International School of Equal Opportunities; Ukrainian National NGO Democracy Development Centre; Center for Social and Gender Research New Life; Insight; National Council of Women of Ukraine; World Federation of Ukrainian Women's Organizations;
JS16	**Joint submission 16 submitted by:** Human Rights House Foundation, Geneva (Switzerland); People in Need; Centre for Civil Liberties; the Crimean Human Rights Group; Ukrainian Helsinki Human Rights Union; Human Rights Information Centre;
JS17	**Joint submission 17 submitted by:** NGO Coalition Child's Rights in Ukraine, Kyiv (Ukraine); Association of the Young Professionals Class; Danish Refugee Council in Ukraine; Environmental Children's Organisation Flora; Women's Consortium of Ukraine; International Charity Partnership for Every Child; Human Rights Centre Postup; Kharkiv Regional Foundation Public Alternative; MART; Charitable Fund the Right to Protection; Public Movement Faith, Hope and Love; Kharkiv Institute for Social Researches; Kalynove Grono; Charitable Foundation Rokada; Center of Public Initiatives Intelligence of Sumy Region; International Charitable Foundation AIDS Foundation East-West; Human Rights Information Centre
National human rights institution	
Ombudsperson of Ukraine	Ukrainian Parliament Commissioner for Human Rights*, Kyiv (Ukraine)
Regional intergovernmental organization(s)	
CoE	The Council of Europe, Strasbourg (France);
OSCE-ODIHR	Organization for Security and Cooperation in Europe - the Office for Democratic Institutions and Human Rights, Warsaw (Poland)

[2] Ombudsperson, p. 8-9.
[3] Ombudsperson, p. 9.
[4] Ombudsperson, p.9.
[5] Ombudsperson, p. 12.
[6] Ombudsperson, p. 8-9.
[7] Ombudsperson, p. 2.
[8] Ombudsperson, p. 6.
[9] Ombudsperson, p. 6.
[10] Ombudsperson, p. 6.
[11] Ombudsperson, p. 10.
[12] Ombudsperson, p. 11.
[13] Ombudsperson, p .12.
[14] Ombudsperson, p. 3.
[15] Ombudsperson, p. 5.
[16] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.1-97.15, 97.20, 97.45 and 97.87.
[17] JS4, p.7; JS15, p.11; JS17, p.11; and LIGA, p. 3.
[18] JS2, p. 3.
[19] HRW, p. 4.
[20] CS, p. 1 and 9.
[21] HRW, p. 3.
[22] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.17, 97.21 and 97.24.
[23] ODIHR, p. 2.
[24] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.25 – 97.28, 97.30, 97.38, 97.44.

97.55 – 97.62, 97.64 – 97.74, 97.74, 97.105, 97.107, and 97.125.

[25] JS5, p. 9 and 11.

[26] JS3, p.3; JS15, p. 4; FLD, p. 1; LIGA, p.4-5; and NMC, p. 3-4.

[27] ODIHR, p. 10.

[28] JS15, p. 5; LIGA, p. 2-3; and NMC, p. 4-5.

[29] JS3, p. 5.

[30] JS3, p. 10.

[31] NMC, p. 5.

[32] HRW, p. 3. See also JS3, p. 6.

[33] HRW, p. 4.

[34] LIGA, p. 3. See also NMC, p. 5.

[35] NMC, p. 5.

[36] LIGA, p. 4.

[37] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.131 and 97.132.

[38] ODIHR, p. 8.

[39] JS7, p. 6.

[40] NLS, p.1.

[41] JS10, p. 4 and 17.

[42] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.32 – 97.37, 97.51, 97.51, 97.75, 97.93, 97.99 – 97.104, 97.108, and 97.110.

[43] CoE, p. 3 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 3-4); JS2, p. 1-9; JS9, p. 2-3; FLD, p. 1; HRW, p. 2-3; IGCP, p. 1; Kharkiv Human Rights Protection Group (KHPG), p. 1-6.

[44] CoE, p. 3 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 25-26); JS2, p.1-9; FLD, p. 5; HRW, p. 4; KPHG, p. 5-6.

[45] CoE, p. 6-8. See also JS9, p. 1-3 and 9.

[46] JS17, p. 4.

[47] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.88 – 97.92, 97.94 – 97.98, 97.106, 97.109, 97.111 – 97.114, 97.117 and 97.123.

[48] JS10, p. 17-18; HRW, p. 2, and KHPG, p. 2.

[49] CoE, p. 3 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 3).

[50] HRW, p. 2.

[51] JS6, p. 3 and IGCP, p. 1.

[52] CoE, p. 3 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 5).

[53] CoE, p. 7-9. See also JS9, p. 3 and JS10, p. 2.

[54] JS9, p. 4.

[55] JS13, p. 2.

[56] L4L, p. 5.

[57] JS15, p. 8. See also JS4, p. 4.

[58] L4L, p. 3-5.

[59] JS17, p. 10-11.

[60] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.18 – 97.19, 97.50, and 97.118 – 97.124.

[61] UOC, p. 2-7.

[62] NPA, p. 1-4.

[63] IGCP, p. 1; WRPC, p. 1-2.

[64] ADFI, p. 2-3.

[65] EAJCW, p. 2-3.

[66] IRF, p. 2.

[67] JS6, p. 9; JS11, p. 2; HRW, p. 3; and IMI, p. 2-3.

[68] IMI, p. 2.

[69] JS11, p. 10. See also HRW, p. 3 and IMI, p. 3.

[70] JS11, p. 4-5. See also JS6, p. 10 and FLD, p. 8.

[71] JS11, p. 5-6. See also JS6, p. 9-10, FLD, p. 2, and IGCP, p. 1.

[72] OBW, p. 2.
[73] BoCP, p. 1.
[74] FLD, p. 3 and 5.
[75] FLD, p. 6.
[76] JS6, p. 7.
[77] JS6, p. 3-4.
[78] JS6, p. 3 and 5. See also FLD, p.1-2.
[79] OSCE/ODIHR, p. 3-4 and 20. See also FLD, p. 3 and JS6, p. 11.
[80] JS6, p. 11; FLD, p. 3.
[81] SMS, p. 5.
[82] JS6, p. 12; UGA, p. 5; and FLD, p. 3.
[83] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.49 and 97.80 – 97.85.
[84] JS17, p. 9. See also CoE, p.5.
[85] JS1, p. 10.
[86] CBGA, p. 4. See also NMC, p. 5 and JS3, p. 27.
[87] ADH, p. 3-4.
[88] For relevant recommendation, see A/HRC/22/7/Add.1, paras. 97.52.
[89] CoE, p. 10 (see Factsheet 'Ukraine and the European Social Charter', Department of the Social Charter, Directorate General of Human rights and the Rule of Law, p. 3).
[90] JS12, p. 2.
[91] JS10, p. 10, and JS15, p. 7.
[92] JS15, p. 11.
[93] JS15, p. 4-5. See also JS6, p. 4.
[94] CoE, p. 7 (see report of CoE Commissioner for Human rights on his visit to Ukraine in March 2016, p. 4-5); see also JS2, p. 11 and JS7, p. 11.
[95] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.47 and 97.48.
[96] CoE, p. 10 (see Factsheet 'Ukraine and the European Social Charter', Department of the Social Charter, Directorate General of Human rights and the Rule of Law, p. 10).
[97] JS7, p. 3.
[98] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.23, 97.46, and 97.128 – 97.130.
[99] CoE, p. 10 (see Factsheet 'Ukraine and the European Social Charter', Department of the Social Charter, Directorate General of Human rights and the Rule of Law, p. 4).
[100] JS17, p. 5.
[101] JS17, p. 5.
[102] UBA, p. 2.
[103] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.126 and 97.127.
[104] JS8, p. 1, and 3-6. See also JS17, p. 6 and 11, and JS10, p. 15.
[105] CoE, p. 2-3.
[106] JS7, p. 10.
[107] OSCE, p. 2.
[108] JS2, p. 3-6.
[109] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.31, 97.41, 97.52 – 97.54, and 97.76 – 97.78.
[110] JS7, p. 7.
[111] JS2, p. 4-5.
[112] JS4, p. 4. See also ODIHR, p. 9 and CoE, p. 5.
[113] JS6, p. 7.
[114] JS15, p. 7.
[115] JS2, p. 7.
[116] JS15, p. 6.
[117] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.22, 97.29, 97.39 – 97.42, 97.79 – 97.86, 97.115 and 97.116.
[118] JS17, p. 2.
[119] JS17, p. 3.
[120] JS17, p. 3.
[121] JS17, p. 11.

[151] IN1, p. 9.
[152] IN17, p. 2-3.
[153] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.16, 97.42, and 97.133 – 97.135.
[154] IN3, p. 5.
[155] IN17, p. 6. See also IN10, p. 13-16.
[156] IN10, p. 16.
[157] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.63, and 97.136–97.140.
[158] ODIHR, p. 13.
[159] ODIHR, p. 13.
[160] C9, p. 2.
[161] For relevant recommendations, see A/HRC/22/7/Add.1, paras. 97.142 – 97.145.
[162] IN10, p. 11.
[163] IN9, p. 9.
[164] IN14, p. 1-10.
[165] Coll., p. 3 (see report of Col. Commissioner for Human rights on his visit to Ukraine on 5 March 2014), p. 4.
[166] IN14, p. 4.
[167] IN9, p. 4-10.
[168] See General Assembly resolution 71/205 on the "situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol".
[169] ODIHR, p. 10. Coll., p. 2-3. IN6, p. 5-6 and 11. IN11, p. 9-10. C9, p. 2-6. FI13, p. 4-5, and ODIHR, p. 4-5.
[170] ODIHR, p. 20. Coll., p. 2, and FI13, p.6.
[171] IN11, p. 9 and IN10, p. 6-8. See also ODIHR, p. 20.
[172] IN16, p. 4-5.
[173] IN16, p. 2-4.